

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH,
MARCH 21, 2013**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, March 21, 2013.

Closed Session

1:30 p.m. Personnel, property and litigation

Study Session

5:00 p.m. Water leak adjustment policy, meter accuracy program, and City Manager administrative relief P. 4 - 10

Work Session

5:30 p.m. Council questions/comments

5:40 p.m. Legislative wrap-up

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 the agenda)*

IV MINUTES OF MEETING OF FEBRUARY 28, 2013 P. 11 - 24

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

1. Consideration of a Resolution supporting adoption of an Interlocal Agreement between Salt Lake City Corporation and Park City Municipal Corporation for the Wasatch Solar Challenge P. 25 - 35

2. Consideration of a Deer Valley Drive CEM contract with the TEA Group to provide construction oversight for the Deer Valley Drive Reconstruction project, in a form approved by the City Attorney P. 36 - 55

3. Consideration of a Deer Valley Drive public information contract with V-I-A Consulting to provide public information support services for the Deer Valley Drive Reconstruction project, in a form approved by the City Attorney P. 56 - 61

4. Consideration of a Deer Valley Drive third party change order review contract with WCEC Engineering to provide change order review services for the Deer Valley Drive Reconstruction project, in a form approved by the City Attorney P. 62 - 65

VI OLD BUSINESS

Consideration of an Ordinance approving the First Amended 315 Park Avenue Subdivision, located at 315 Park Avenue, Park City, Utah P. 66 - 115

- (a) Public hearing
- (b) Action

VII NEW BUSINESS

1. Consideration of an Ordinance approving the Echo Spur Subdivision plat amendment, located at 496 McHenry, Lots 21-32, Park City, Utah

- (a) Public hearing
- (b) **Motion to continue to a date uncertain**

2. Consideration of acceptance of an annexation petition for property located in the Round Valley open space north and south of the Quinn's Sports Complex on the west side of SR248 consisting of approximately 1,367.94 acres – applicants Park City Municipal Corporation, Afton Stephen Osguthorpe, and Jason Davis P. 116 - 140

3. Consideration of a Minor Professional Services Agreement with Matthew Senske for advertising and program sponsorship services for the Park City Ice Arena, in a form approved by the City Attorney P. 141 - 157

4. Consideration of an Ordinance approving the 520 Park Avenue Replat, located at 520 Park Avenue, Park City, Utah P. 158 - 210

- (a) Public hearing
- (b) Action

5. Consideration of an Ordinance approving the 421 Park Avenue Replat, located at 421 Park Avenue, Park City, Utah P. 211 - 223

- (a) Public hearing
- (b) Action

VIII ADJOURNMENT

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

Posted: 03/18/13

See: www.parkcity.org

Note: This future meeting schedule is TENTATIVE and subject to change.

March 2013

- 28 Business retention and attraction – study
- Library renovation update – work (30 min)
- Historic District grant program update – work
- Outdoor dining leases – work/action
- Special event overhaul - work (30 min)
- Appropriation of \$2,500 for sponsorship of the Congress of New Urbanism 21
- Conference to be held in Salt Lake City.
- Award of contract for Transit Residential Building Construction

April 2013

- 4 Community technology – study - SR
- Golf course update – work – (20 min)
- Liquor license amendments – old business
- 11 Deer Valley Drive Construction Contract
- Echo Spur Road acceptance and name change
- Change order Empire Avenue Reconstruction Project
- 18 Visioning wrap-up
- 25 **No meeting**

May 2013

- 2 Soils Commission study session
- 9
- 16
- 23 **No meeting**
- 30

Pending Items:

- Amendment to Municipal Code - pre-inspections for business licenses
- GIS app
- Wasatch Front and Back mountain resort expansions – Mayor Becker team
- Latino Community outreach and engagement – study
- Visioning w/County - Phyllis



City Council Staff Report

Subject: Water Leak Adjustment Policy/Meter Accuracy Policy
Author: Jason Christensen
Department: Water
Date: March 21, 2013
Type of Item: Informational (Study Session)

Topic/Description:

Water Leak Adjustment Policy/Meter Accuracy Policy

Background:

Council requested a study session on the Water Department's leak adjustment policy. This staff report will outline the Water Leak Adjustment Policy, Meter Accuracy Program, and City Manager Administrative Relief.

Analysis:

Leak Adjustment Policy and Process

The Water Adjustment Policy is attached to this staff report. The general policy outlined in the document is that a credit will be provided for "usage resulting from a leak that cannot be easily detected." This includes things like broken pipes and underground leaks, but excludes issues resulting from obvious property deficiencies such as leaking toilets and other leaking appliances. The credit issued is for half the cost of usage that exceeds that customer's historical average usage that month. In the event that usage exceeds 325,000 gallons, the price per thousand gallons above 325,000 gallons are charged at a "production cost" of \$.61 per thousand gallons.

The water leak adjustment process is generally as follows. First a customer enquires about a leak adjustment or, Water Department staff identifies a possible leak and notifies a customer. A customer then receives a letter that outlines the process to receive a credit for the leak. Attached to that letter is a copy of the leak adjustment policy, and the form to request a leak adjustment.

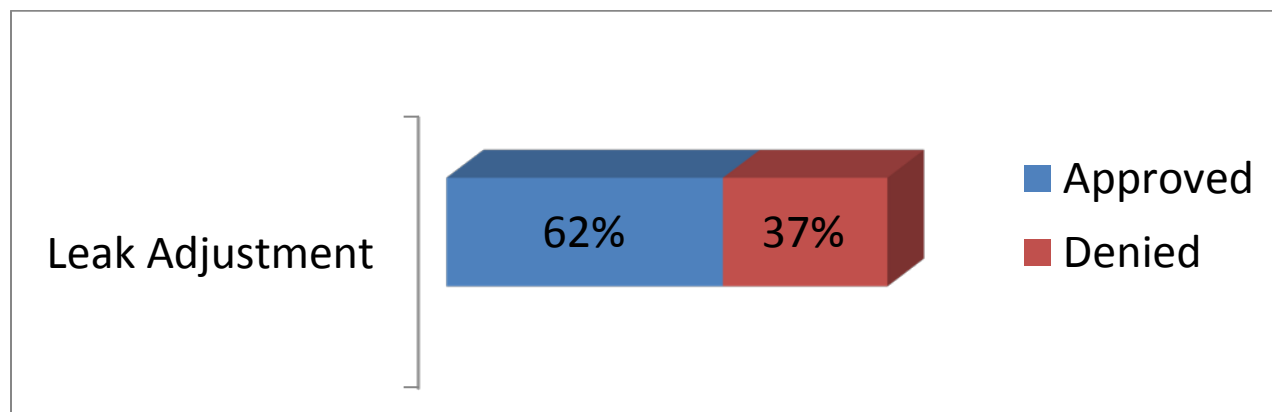
If a customer choses to pursue a leak adjustment, they must submit the form and documentation that shows a leak was repaired. Once that information is received, it is forwarded to an Adjudicator. Whether or not the leak qualifies is determined by the Adjudicator, a neutral third party who is not a direct Park City employee. If the Adjudicator determines that the customer meets the requirements for a leak adjustment, the adjustment is made. If the Adjudicator denies the adjustment a customer has two options to appeal the decision. First, a customer may submit additional or clarifying information. If new information is submitted then the Adjudicator will review his decision and make a new determination. If no new information is submitted, the second option is to request an Administrative Review. Under an Administrative Review, Water

Department staff review the record to ensure that due process was provided. This is a very narrow review, and decisions that are consistent with the policy will not be overturned. However, if staff feels that there are extenuating circumstances exist, staff may recommend a review and adjustment be made by the City Manager.

The administrative review is performed by the same adjudicator that Parking uses. The adjudicator bills hours and because the majority of his time is spent on Parking tickets, the cost of his review of leak adjustments has not been broken out.

In 2012, 343 service orders were created to check for leaks. Some of these service orders found City side leaks (City responsibility), some of them found no leaks, and some found Customer side leaks (customer responsibility). In addition, it is certain that some number of leaks were found by customers, and may not have resulted in a service order.

In 2012, a total of 128 people submitted a leak adjustment request. 80 people were given adjustments totaling \$70,699.75. 47 people were denied their requests that if granted would have provided an additional \$26,667.83. Stated another way 62% of submitted leak adjustment requests are found by the adjudicator to comply with the leak policy. 37% of submitted leaks are denied.



Policy Consideration

Council may choose to rebalance the leak adjustment policy by making it more or less generous. In general, any changes will have impacts on following spectrum.

	<i>More Expansive</i>	<i>Less Expansive</i>
Water Conservation	Negative Effect	Positive or Neutral Effect
Financial Cost/Rate payer Impact	More collective (city wide rates) impacted by leaks	More individual impact of leaks.
City Responsibility for Private System	More City Responsibility for Private Infrastructure	Less City Responsibility for Private Infrastructure.
Administrative Burden	Depends on the Nature of the Change	

City responsibility for private systems deserves more explanation. As staff has improved on our ability to detect leaks and notify property owners an expectation has been created that the City will monitor each customer's account. When this expectation is not met, some Customers blame the City. Under the Municipal Code a customer is responsible for maintaining their system after the meter. PCMC § 13-1-17. If the leak adjustment policy becomes more expansive it is likely that customers will feel less responsibility for their water system.

Steps the Water Department currently takes to help reduce the impact of leaks

As mentioned above, the Water Department created 343 service orders in 2012 to investigate potential leaks. These service orders are generated by staff, primarily Brenda Wilde, when she finds accounts with higher than typical usage or receives an accurate leak alarm from the radio system. Once Brenda has created a service order, a water worker will visit the meter to determine if a leak exists. If one does exist and it is on the customer's side, staff attempts to notify the customer.

Timely identification of leaks has improved markedly since the transition to the radio read system. The system allows readings and leak alarms to be broadcast near real time.

The leak detection system is not perfect and systematic and maintenance issues will prevent it from ever accurately detecting 100% of the leaks.

The leak alarm is triggered not by a "leak" but by a set of rules programed in the radio i.e. 24 hrs of flow above 2 gallons per hour triggers as a leak. Some leaks are not this continuous and therefore do not trigger an alarm. Some accounts use enough water continuously that they trigger a leak alarm, even though none has occurred. Further, due to a system transition that we undertook during the deployment, some meters were installed with incorrect leak rules programed at the radio. The majority of radios were reprogramed over the air, but a sizable number (estimated around 20 percent) did not accept over the air programing. These radios require individual site visits to reprogram. Given other priorities such as leak repair, meter repair, and distribution maintenance the reprograming has progressed slowly. These miss-programed radios create false positives and fail to alert when they should. It is also important to note that once we resolve these leak detection issues, additional issues will always come up and the system will never be 100% reliable. Further, notifying a customer of a leak can be difficult due to outdated contact information. Because of these issues, customers must be aware that they are responsible for maintaining their system and that City leak detection is not guaranteed.

Looking Forward

Staff is committed to continue to improve leak detection. Further, future developments will allow our customers to take more responsibility for identifying leaks. Consistent with Council direction staff is pursuing a customer portal. Once deployed, the portal will

allow customers to view their hourly water consumption in near real time, and it is likely the system will allow a customer to set up their own rules for what constitutes a leak.

Staff believes that after the Customer Portal deployment the leak credit policy should be evaluated for possible recommended changes to Council. At that time customers will have a tool available to them that they can set to alert them based on criteria they set. It is anticipated—but remains to be seen--that such a system would have text message, email, and IVR ability to send the alert.

Meter Accuracy Questions

Meter accuracy questions typically arise after a customer receives an unexpectedly high bill. Park City Municipal Code § 13-1-5 outlines the meter testing process. Under this code section, a customer who feels that their meter is reading high can request the accuracy of the meter be tested. If this request is made, staff replaces their meter and either sends the removed meter to be tested or performs a meter test in-house. If the meter is found to be over reading, the customer's bill is adjusted for "not more than three (3) months." If the meter is found to be reading accurately or under reading, no adjustment is made and the customer is charged a meter testing fee. The meter testing fee is adopted by Council as part of the fee schedule and is currently \$100 dollars. The exact cost of this service varies, however, given the time involved it exceeds the fee charged the majority of the time.

Since 2007, 10 customers have requested their meter be tested. No meter has been found to be over-reading; however, other related problems have at times been identified through this process. Typically a meter as it wears will slow down, not speed up. However this process provides an avenue for people to test their theory that there is an equipment problem that is resulting in a high bill.

City Manager Administrative Relief

Under Park City Municipal Code § 13-1-2 the City Manager may provide administrative relief up to a twenty percent reduction in any water billing in cases of hardship or unusual circumstances. This authority is only used occasionally, and is deployed in unusual circumstances.

Department Review:
Legal and Executive

Other Agencies Policies

Mountain Regional Leak Adjustment Policy

If a total monthly bill is over 40,000 gallons and the customer has identified a leak a customer may qualify for an adjustment. The total monthly usage is divided by in half. Half of the total is charged at regular rates. The other half is charged a leak rate (set at the cost of water production).

If a total monthly bill is over 300,000 gallons and the customer has identified a leak a customer may qualify for a more generous adjustment. In certain circumstances a customer will be charged 25 percent of the water usage at adopted rates and 75 percent will be charged at the leak rate (set at the cost of water production).

Adjustments greater than the 25/75 must be approved by the Administrative Control Board.

Salt Lake City

Salt Lake City only offers leak adjustments for outdoor leaks. For service line breaks, Salt Lake offers to credits 50% of the difference between the leak month and the same month in the previous year. For irrigation/sprinkler system breaks if consumption has doubled over the same time period from the previous year the department will charge all water usage above the first tier and the second tier rate instead of moving to the third tier. This credit is a onetime credit.

Water Adjustment Request Form

[Print Form](#)

Name: Account No.:

Service Address:

Mailing Address: City:

Contact Phone: State: Zip:

Problem
Description

Was there a leak? ☐ Yes ☐ No Was the leak underground? ☐ Yes ☐ No

Was the leak through a: ☐ Broken pipe? ☐ Incompletely closed valve? ☐ Toilet? ☐ Sprinkler Head?
☐ Faucet? ☐ Other

Was a leak repaired? ☐ Yes ☐ No Date of repair (MM/DD/YYYY) (Send a copy of the repair bill.)

How was leak discovered? ☐ Notified by PCMC ☐ Other
Date of discovery (MM/DD/YYYY)

Section for PCMC Use Only

Leak? ☐ Yes ☐ No

City Repair? ☐ Yes ☐ No

Leak on City side? ☐ Yes ☐ No

Consumption History attached? ☐ Yes

Work Order History attached? ☐ Yes

Repair bill attached? ☐ Yes

Owner notified of leak? ☐ Yes

Date of notification

Comments:

Section for Adjudicator Use Only

Leak repaired within 30 days of notification? ☐ Yes ☐ No

Were there extenuating circumstances preventing repair? ☐ Yes ☐ No

Did excess consumption exceed 50% of past 3 years history? ☐ Yes ☐ No

Date

Which months exceed?

Category of leak:

☐ Broken pipe

☐ Underground Leak

(Includes valves & pipes cracked by freeze, corrosion, etc.)

☐ Appliance (including hot water heaters)

☐ Fixture (includes faucets, toilets, etc,

☐ Incompletely closed valve? (includes sprinkler valves and stop & waste)

☐ Sprinkler Head

Extenuating
circumstances

ADJUSTMENT REQUEST: ☐ ACCEPTED

Which months are accepted?

☐ DENIED

**PARK CITY COUNCIL WORK SESSION MINUTES
SUMMIT COUNTY, UTAH
FEBRUARY 28, 2013**

DRAFT

Present: Mayor Pro Tem Alex Butwinski; Council members Andy Beerman; Cindy Matsumoto; Dick Peek; and Liza Simpson

Diane Foster, Interim City Manager; Jody Morrison, Assistant City Recorder; Nate Rockwood, Budget Manager; Bret Howser, Special Projects Manager; Tyler Poulson, Sustainability Manager; Tricia Lake, Prosecutor; Heinrich Deters, Trails and Open Space Manager; Jon Weidenhamer, Economic Development Manager; Matt Twombly, Project Manager; and Thomas Eddington, Planning Manager

Bob Kollar, Community and Destination Tourism Partner; Jay Bollwinkel, MGB+A; and Alison Butz, HPCA Executive Director

Absent: Mayor Dana Williams

1. Council questions/comments. Cindy Matsumoto commented on the Chamber Board meeting. Sundance was discussed and considered as running very smoothly this year. Revenues from the TRT are healthy and the Chamber has invested more money in its summer advertising program. She reported that it is time to form a nominating committee to consider names for membership on the board. The City has one seat but two could serve and she asked if there is any interest. The Chamber was interested in the City project exploring vacation rentals by owners.

Ms. Matsumoto asked why sales tax dropped off an average of 13% in November and December. Nate Rockwood explained that the reason is that the report from the year before was inaccurate which threw off the figures and January and February look good.

Andy Beerman attended the Mountain Transportation meeting at the UTA Headquarters. The group is working on a name, determining roles, and exploring funding to conduct an economic study. COSAC IV held its first meeting and it is a fun and motivated group. He spoke about touring RAMP Sports at Silver Creek Junction where skis are handmade. The skis are sold out a month in advance and eco-friendly materials are used. He attended the Planning Commission meeting where there was extended discussion of Old Town streetscapes. A field trip with City staff to City Creek was held today to look at granite walkways and pavers in preparation for today's discussion on Main Street sidewalks.

Liza Simpson congratulated Denise Carey and the Friends of the Farm for another successful full moon snowshoe event. She thanked staff for organizing the Visioning Session last week. She attended the Interagency Meeting which was sparsely attended and the legislative reception at the Rotunda was which well done. Dick Peek agreed that the interagency meetings are becoming less attended and encouraged members to

reach out to other agency members. He felt Visioning was well timed. Critical issues were addressed and he looks forward to phase two.

Mayor Pro Tem Alex Butwinski felt the reception at the Rotunda was very productive especially the opportunity to talk with Representative Kraig Powell. Visioning was two days well-spent and this morning he attended the Quality Growth Commission meeting. Park City is funded again this year for \$200,000. He noted that the group discussed a number of bills including HB88 and Bret Howser interjected that the City has taken an opposing position. Imminent domain for trails and requiring local approval for conservation easements were also topics of interest.

Legislative update – Diane Foster explained that the conservation easement bill provides the locality authority to approve or disapprove before it happens. ULCT does not support it. Alex Butwinski added that it creates a public process so someone could oppose the conservation easement. Imminent domain for trails was introduced last year and the bill was limited earlier in the session to counties of the first and second class. Because the bill calls out Jordan River Parkway and two other trails specifically, there is some concern from the Attorney General's Office that it may be single purpose legislation.

Jody Morrison explained that HB76, concealed weapons carry amendment, is being circled in the House. The measure would allow individuals who are legally able to carry a weapon openly also to be able to carry it concealed without having to have a background check or take a course. HB121, firearms safe harbor, is new on the list and would allow people with reason to fear that they have someone in the household that might cause harm, can take the firearm to the police department for a period of 60 days. The fireworks amendment, HB289, modifies the state's fire and public safety codes with regard to discharge of fireworks in an unsafe environment and allows local officials to make decisions on bans.

Bret Howser referred to Representative Mel Brown's HB88, HB130 and HB236 which remain on the staff's watch list. HB88 and HB236 just came out of the Rules Committee and will go to the Standing Committee. HB130 passed out of House Committee. HB207 is Powell's bill requiring 72 hours' notice for posting meeting agendas instead of 24 hours' notice. A substitute bill watered down the language and there is no penalty so it isn't a great bill. SB158, General Fund reserves, passed. The City is opposed to the billboard bills which include converting billboards to digital, coupled with existing laws so that anyone can move a billboard anywhere if the lease expires. The ULCT has proposed SB240 which is more positive for the City because it removes the unwanted existing provisions. These will be debated on the floor simultaneously.

Diane Foster pointed out that the highest concerns relate to billboards and SB240 is an attempt for ULCT to have a discussion with the billboard companies. Water bill SB109 provides additional tools for cities and HB202, energy code amendments, does not cover residential but at the end of the day it moves the City to a new code. There was

an attempt to separate counties of the 4th and 5th Class so that they could have a different building code from other counties but it doesn't have a lot of support. The pace is picking up at the Legislature. Bret Howser highlighted HB268, disorderly conduct amendment, which is not going favorably. The original bill had language that had been negotiated between the Association of Chiefs of Police and the bill sponsor which allowed police the ability to do what they needed to do but the bill was amended and provisions changed so that open carry without any additional behavior or circumstances that would cause a reasonable person to believe the firearm was carried or possessed unlawfully or with criminal intent, doesn't constitute disorderly conduct. An amendment was made on the House floor that a police officer can approach somebody and find out what is going on but the Association of Chiefs of Police didn't believe the amendment does much to solve the issues with this bill.

Diane Foster urged the community to contact Senator Van Tassel expressing concern over allowing automatic conversion to digital billboards. State law already allows that billboards can move to another location if the lease has expired.

3. Summit Community Solar – update and filming. Tyler Poulson explained that Council approved staff's participation in the program where groups and citizens are collaborating on a RFP to request services of solar installation companies. Citizens will also become part of an outreach and marketing committee after the bulk purchase information is available from the contractors. He stated that two workshops were held this month and roughly 50 attendees participated and of those, 22 agreed to be volunteers on the steering committee. Utah Clean Energy is very excited about the early interest generated at this point in the program. The volunteers include a lot of people from the Park City area and individuals from eastern Summit County resulting in a good mix of opinions and interests.

Mr. Poulson explained that a local filmmaker attended one of the workshops and brought up the idea of making a documentary. She works for New Eye Media which is producing a documentary, *Boom: The Clean Energy Revolution* and would like to highlight this project. Utah Clean Energy and Summit County are okay with the idea of filming but would like to leave the decision up to the volunteer steering committee. He asked if any members have objections to filming. Alex Butwinski asked if this is a valid company and Mr. Poulson referred to its website featuring a series of short films. The filmmaker also does some work for PBS and there is a chance this could get integrated in that product. Alex Butwinski asked if members will have a chance to preview the film for content control but other members did not share his concerns and supported having the filming proceed without conditions.

4. Proposed lift ticket ordinance. Tricia Lake explained that the resorts approached the City about the reselling of ski lift tickets which has become a problem. This Ordinance addresses actions occurring in the parking lots at the resorts or by lift ticket windows, specifically activity where a lift ticket is resold for profit. This is proposed as a misdemeanor offense and enforced by the Park City Police Department.

Alex Butwinski pointed out employees of resorts selling their tickets and Ms. Lake felt the Ordinance covers this activity. Andy Beerman understood that the Ordinance would regulate on-line sales within the City limits if desired to be enforced in the future. Ms. Lake agreed that it would encompass that, but that approach raises enforceability issues. It is not currently the activity the City is targeting. The Mayor Pro Tem prompted discussion on severability clauses and Dick Peek pointed out a couple grammatical corrections.

5. Tour of Utah. Heinrich Deters explained that minor changes are proposed for 2013. On February 5, 2013 the Tour of Utah announced the host cities and the race will begin in Southern Utah, heading north, and finishing Stage 6 on Main Street. The Stage 6 event is scheduled Sunday, August 11 and he felt that the event went very well last year. Park City gained a lot of exposure and on its website, the Tour highlighted Park City as one of the main attractions. August 11th is going to look the same this year except for possibly the lower Deer Valley Drive construction and the course may end up having to come down the Mine Road instead of Royal Street. The Tour of Utah is a nationally sanctioned cycling event. Mr. Deters relayed that letters have been sent to impacted property owners about closures on that day and discussions have been held with the Performing Arts Center about Deer Valley concerts to minimize possible conflicts.

Heinrich Deters stated that the main change takes place on Saturday. Stage 5 is being changed from Snow Basin to Snowbird which will bring the riders to Park City. The plan is to come in on Bonanza Drive, up Deer Valley Drive, to Marsac Avenue. The organizers wanted to use Main Street but Mr. Kollar explained that all parking had to be removed from the Street which would have to remain cleared all day. This is also the week after the Arts Festival. The host cities have been announced but not the route. In response to a question from Mr. Butwinski, Mr. Kollar explained that the Tour is predicting a fairly controlled pack until they hit Marsac Avenue but Saturday's event should not be too impactful. The Ultimate Challenge is roughly 600 to 800 amateur riders who pay a fee to ride the same stage as the pro riders. The rules of the road apply and there are no escorts.

6. Main Street improvements. Jon Weidenhamer explained that staff is looking for direction on paving material and heating the Terigo plaza. MGB+A was hired to push the recommendations and all of the work IBI has done. The Downtown Projects include \$15 million of streetscape, sidewalk, plaza and walk-through improvements that are planned to be completed over ten years. The scope of Phase 1 includes 7th Street from Park Avenue to Summit Watch with visual clues about lower Main Street. Consultant Jay Bollwinkel spoke about connections on lower Main Street. Mr. Weidenhamer noted that the plan calls for staggered construction to mitigate impacts to the whole street. Phase 1 includes the Terigo walkway which includes new steps, concrete pavers, an ADA ramp, and an interactive kiosk.

Mr. Weidenhamer pointed out four paving options, including an all concrete mix. Concrete provides the lowest level of service and is what we have now. Option 2 with a granite curb is preferred in terms of its durability, life cycle, etc. Option 3 is a mix of concrete bands and granite inlays. Mr. Bollwinkel stated that it is about 60% granite and it depends upon how far apart the buildings are from the gutter to determine the sizes of the bands and fields. Option 4 is an all granite mix. Staff is recommending Option 3 based on guidelines like creating design and place, life cycle, and sustainability. The Historic District Design Guidelines has goals of keeping sense of community. The project will be consistent with the Guidelines and this mix doesn't detract from our historic fabric and goals. Any application should not compete with the buildings and needs to be simple, subdued and plain. He spoke about the look of Option 3 which is simple and elegant and is the recommendation from the group. The design team, Planning Department and Public Works reviewed options and Public Works is comfortable with the plan with regard to operations and maintenance. There is not much difference in the day-to-day maintenance costs for these materials. If a water main needs to be repaired under granite, a little more time is needed but not enough to discourage using all granite. The staff report reflects that the Planning Department is pretty opposed to granite but he understands that planning staff is not totally opposed as long as the application is very plain. Mr. Weidenhamer pointed out that the concrete bands are important because they provide a place to install the light poles, benches, parking meters, etc. rather than trying to drill granite. Installing concrete bands around historic structures is a better approach than cutting granite and staff supports Option 3.

Liza Simpson asked for clarification on emergency repairs under large slabs, and Jay Bollwinkel explained that the biggest challenge is matching the existing concrete while granite cuts can't be seen. In response to questions from Dick Peek, Mr. Bollwinkel clarified there is no gutter and Matt Twombly explained how a curb can be repaired. Cindy Matsumoto was not convinced that granite is right choice for a historic mining town. Mr. Bollwinkel stated that his firm looked at materials used at different resort communities and the majority of them use pavers. Pavers are more durable and sustainable and especially granite pavers.

Thomas Eddington stated that the granite should not look institutional or grandiose because Main Street is not grandiose but part of an old mining town. This was discussed at length among members of the group and using granite in a simple subdued application can work. Ms. Simpson pointed out the function of finish and color. Mr. Weidenhamer stated that the finish for the curb will be canted but not pointed causing damage to tires. Engraving granite was discussed. Repairs and maintenance were discussed again. Dick Peek referred to a curb design observed as part of the Salt Lake City tour earlier today and Matt Twombly explained that the group shied away from all concrete curb options because of the sustainable life cycle of the granite curb.

Andy Beerman complimented the staff report. After going on the tour and talking with Public Works employees, it might be better to go with the 100% granite option because it is modular but admitted that fitting it around buildings would require thousands of cuts.

The concrete buffer can fit the contouring. He asked if these materials will be stocked. Mr. Bollwinkel felt that granite is pretty easy to match and can be stocked. Alex Butwinski understood that the Planning Manager has concerns about the look of granite and Thomas Eddington clarified that the Department thought it might be too institutional or grand for Main Street. However, there are some types of granite that could work and it is a sustainable option. He emphasized keeping it simple. Discussion ensued about granite being exported from China to the U.S.

Jon Weidenhamer relayed that there is a split recommendation from staff on heating the Terigo walkway. From an economic development and public works standpoint, having a dry safe place to walk from China Bridge to Main Street is a positive thing. The Building Department felt strongly about having an ADA ramp there and it is intuitive to have the highest level of operations and maintenance there. He acknowledged that the Sustainability Department makes a strong argument that installing a radiant heat system is inconsistent with our carbon footprint reduction goals and having snow in a ski town is expected. Mr. Weidenhamer suggested that a contractor could be hired or City services enhanced to keep the plaza cleared.

Cindy Matsumoto remarked on the challenge of stepping across icy curbs and asked if portions of the sidewalk/curb could be heated. Jon Weidenhamer explained that a portion of the plaza is recommended to be heated. Ms. Matsumoto felt the dangerous area is between the sidewalk, the curb and the road during the winter. Mr. Weidenhamer pointed out that a request to heat the Brewpub plaza may be coming from the HPCA. Ms. Matsumoto acknowledged that she likes to see the snow too. Discussion ensued on the importance of moving water from snowmelt from a heating system and drainage for the street.

Liza Simpson stated that she is not in favor of heating the plaza. She would rather take that money and invest it in plazas that function more than just a walkway. The Terigo plaza is very rarely an issue but she is supportive of the ADA ramp. She is supportive of going all granite and also supportive of the staff's recommendation. Her biggest concern is gaining longevity for the cost because in addition to the money spent to do this, the project will be economically impacting Main Street business owners. Something that will last us 25 years is much better than something lasting 15 years.

Alex Butwinski agreed with Ms. Simpson and partially with Ms. Matsumoto. The snow adds character to who we are. There haven't been a significant number of accidents in the Terigo plaza and he can't support a heating system. He asked about the comment in the staff report about the HPCA not wanting upgrades in the sidewalk system to potentially detract from other projects.

Alison Butz, HPCA, expressed that the idea of improving the sidewalks is fantastic and the membership wants that done. However, they have prioritized plazas and connections to Main Street over sidewalks. They like the granite and its durability but again they want all of the projects done.

Andy Beerman suggested as a compromise, installing the tubing for radiant heat but not spending the money on the boiler right now. Jonathan Weidenhamer spoke about being more confident about the \$15 million cost three months from now.

The Mayor Pro Tem asked members if they are willing to go over budget on the Main Street sidewalk project. Mr. Weidenhamer responded that Option 3 is coming in at \$14.4 million and Option 4, all granite, is estimated at \$15.7 million. Mr. Weidenhamer acknowledged that the project is two months behind but waiting until fall or next year is an option. He believes this phase can be completed this year. Jay Bollwinkel stated that if approval is granted, the demolition can begin and the process for hiring contractors has begun.

Liza Simpson stated that every long term project she has seen has budget changes and would fully expect this on Phase 1. She stated that she is comfortable with Option 3. Dick Peek relayed that he is leaning toward Option 3 rather than all granite because it will be less impactful on the historic structures. He prefers no snowmelt system. Liza Simpson agreed with no snowmelt system. Andy Beerman commented that he is supportive of Option 3 with the caveat that the granite comes from the U.S. and preferably somewhere local to reduce the carbon footprint. He recommended considering his earlier suggestion which doesn't preclude the installation of a heating system in the future. Cindy Matsumoto is interested in increasing level of service by removing windrows from the side of the curb at main corridors. She is not crazy about the granite and concrete look but will vote with others. Alex Butwinski supported no heat and 60% granite.

Discussion ensued on project impacts to business owners. Matt Twombly added that staff has already started coordinating with the Gas Company and contractors. Diane Foster confirmed that the majority of members do not want the tubing installed.

Prepared by Janet M. Scott, City Recorder

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH,
FEBRUARY 28, 2013**

DRAFT

I ROLL CALL

Mayor Pro Tem Alex Butwinski called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, February 28, 2013. Members in attendance were Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek, and Liza Simpson. Dana Williams was absent and excused. Staff present was Diane Foster, Interim City Manager; Mark Harrington, City Attorney; Jody Morrison, Assistant City Recorder, Bret Howser, Special Projects Manager; Kirsten Whetstone, Planner; Anya Grahn, Planner; Shelley Hatch, Business Licensing Analyst; Rick Ryan, Police Captain; and Polly Samuels McLean, Assistant City Attorney.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Liza Simpson pointed out that the tunnel adjacent to the Flag Lot is icy and dangerous and should be addressed. The Mayor Pro Tem announced that the Council will adjourn in closed session after the adjournment of the regular meeting.

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

None.

IV MINUTES OF MEETINGS OF FEBRUARY 7, 2013 AND FEBRUARY 14, 2013

Alex Butwinski pointed out that a dollar amount on one of the Consent Agenda items was missing. Liza Simpson noted that she mistakenly abstained from voting on the January 24th minutes on February 7th. Andy Beerman, "I move we approve the meeting minutes of February 7 and February 14, 2013, with the amendments as stated." Dick Peek seconded. Motion unanimously carried.

V NEW BUSINESS

1. Consideration of an Ordinance approving the First Amended 315 Park Avenue Subdivision, located at 315 Park Avenue, Park City, Utah – Planner Kirsten Whetstone explained that the request is to reconfigure three lot lines on a plat approved in 2006, an extension was approved in 2007, and the plat was recorded in 2007. The applicant is asking that the lots be reconfigured to be more equal in size. This would reduce the potential density and parking requirement in the area because one of the lots is currently large enough for a duplex. The new configuration would only allow three single family homes rather than a duplex and two single family homes. The Planning Commission voted unanimously on February 13, 2013 to forward a positive recommendation to the City Council and added Findings regarding potential density and that the side setbacks could be increased during the Steep Slope CUP process (LMC

15-2-6). She stated that staff is recommending approval based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the Ordinance.

Cindy Matsumoto pointed out the small encroachment of a shed on the property. Kirsten Whetstone believed that the property owner could request to have it removed but given that it is such a small amount of area, it would be in the setback in any event and it would not affect the proposed house on Lot A. An encroachment permit between the owners could be recorded and reflected on the plat. Mark Harrington explained that before the Building Department approves a plan, it must be compliant and having a building on a lot line is not compliant. The encroachment must be solved or granted. Andy Beerman disclosed that this property is across the street from his residence.

Dick Peek referred to the I-shaped piece behind St. Mary's on Lot B (amended) and asked if it is possible to put an accessory building there. Ms. Whetstone replied that it is possible and Dick Peek expressed concern about proximity to a Landmark structure. Kirsten Whetstone stated that Council can add a condition to increase the setback on a plat amendment with a finding and good cause. Mark Harrington suggested remanding the application for further analysis and having the preservation specialist weigh in as to whether it will detract from the historic integrity of St. Mary's. Mr. Harrington added that there are less stringent setbacks in the Historic District and the basis for a Finding regarding closeness is unclear. He again suggested obtaining a recommendation from a professional because it is not in any criteria. Ms. Whetstone stated that an accessory building counts against the footprint area. Mark Harrington also suggested that staff ask the owners about their intentions and if they are willing to stipulate to a no build area. The owners were not in attendance. The Mayor opened the public hearing.

Ruth Meisma, Woodside Avenue resident, stated that she spoke at the Planning Commission meeting and feels that the new configuration is good because the double lot is a little too large for the area. However, changing the lot configuration results in losing the five foot setbacks on the larger lot which means potential loss of four feet of open space between the buildings which amounts to 300 square feet. In her mind, this is going backwards. Lot B on the north side would have about 92 square feet greater footprint than a regular 37' x 75' lot. In reducing Lot C by six feet would only reduce the footprint by 14 square feet. If Lot B is only six inches wider, it would give six inches more to fit in those five foot setbacks and there would only be a loss of three and a half feet.

With no further comments from the audience, the Mayor Pro Tem closed the public hearing. Dick Peek, "I move we continue this item to March 21st based on my comments (proximity to St. Mary's)". Alex Butwinski asked Ms. Whetstone her opinion and she indicated that the Planning Commission can increase setbacks to five feet during the CUP for Steep Slopes review. Alex Butwinski seconded. Motion unanimously carried.

2. Consideration of an Ordinance approving the Park Avenue Subdivision Plat located at 1492 Park Avenue, Park City, Utah – Planner Anya Grahm explained that the applicant is requesting a one lot subdivision. While reviewing the HDDR, it was found that the property was a metes and bounds parcel and never platted. The Planning Department has been working very closely with the applicant on the renovation of the non-historic building on the site. Staff has been working with them to create an at-risk building permit and issued a demolition permit for some roofing material. The Building Department has asked that additional walls come down and be rebuilt. It is a non-complying building because it does not meet setback requirements on the north or west sides. The applicants have been very proactive in working with the 7-11 to obtain encroachment and snow-shed agreements. Condition of Approval No. 8 asks for a ten foot easement from Sullivan Road for snow storage but staff doesn't believe that will be necessary and is suggesting it be removed but to retain the Park Avenue snow storage portion.

The Mayor Pro Tem opened the public hearing and with no input, closed the hearing. Liza Simpson, "I move that we approve the Ordinance for the Park Avenue Subdivision according to the Findings of Fact, Conclusions of Law, and Conditions of Approval with a modification to Condition of Approval No. 8 eliminating the last three words in that condition". Andy Beerman seconded. Motion unanimously carried.

3. Consideration of an Ordinance adopting Title 4, Chapter A – Special Event Temporary Alcoholic Beverage Licenses described in the Municipal Code of Park City and amendment Title 4, Chapter 4, Beer and Liquor Licensing; Title 4, Chapter 5, Beer Licenses described; Title 4, Chapter 6, Liquor License Described, of the Municipal Code of Park City – Shelley Hatch explained that on December 20, 2012 the City Council held a work session to consider amending the liquor license provisions in the Municipal Code. The proposal is divided into two sections. Section A cleans up the Code and the provision for temporary single event permits parallels state code. Section B provides that the Council review all Sundance special event liquor license applications. In December, the Council decided to revise Section B at a later time but instructed staff to move forward with Section A.

Staff recommends eliminating the current procedure requiring all organizations to obtain a criminal background check for officers, board of directors, and partners. It is suggested that applicants sign under oath attesting to their criminal backgrounds. The license can be revoked immediately if the license is not in compliance. A bonafide corporation will be permitted to apply for a single event temporary alcohol beverage license. It may take up to ten working days for a license to be processed. Staff recommends that Council consider amending the Ordinance as suggested.

Cindy Matsumoto felt the criminal background check component is confusing. Ms. McLean explained that filling out the application will be easier. Currently the City requires fingerprints from applicants for all single event liquor licenses. Applicants have to go to Utah BCI to get fingerprinted which is more restrictive to what the DABC

requires. In that sense, the City is relaxing its requirements and trusting people more. The City is less stringent than the state when somebody is denied based on their criminal background.

Ms. McLean spoke about all cities following state liquor laws but Park City is unique in that there are circumstances where a state liquor license is not required because the event falls under the private party exception but the City requires a local liquor license because many hosts are conducting business or promoting an item. In those cases, the City is requiring our own liquor license and criteria.

Andy Beerman asked for clarification of the processing time if the Building and Police Departments are part of the review. Shelley Hatch indicated that the applications go to the departments first and it could take up to ten days for the Finance Department to process. Mr. Beerman suggested clarifying the language because it sounds like the whole process takes ten days which is misleading.

Liza Simpson addressed denying liquor licenses based on prior experiences. Captain Rick Ryan explained that the Department keeps a log of complaints of promoters where there is fraud or damage to locations in town. Ms. McLean pointed out that Section 4-5 actually lists factors that would be considered. Andy Beerman referred to Section 4-6-3, regulatory liquor license fee, and asked if it is a new fee. Shelley Hatch advised that there has been no fee change and the cost has been \$100 per license. Ms. McLean explained that the intent was to separate the liquor license fee from other business licensing fees. Ms. Simpson referred to Section 4-4-17(f) commenting that being intoxicated in a bar is illegal.

Alex Butwinski opened the public hearing.

Alison Buts, HPCA, stated that members were unaware that this issue was coming back to Council and there are concerns from licensed establishments that some of these changes may impact them. She asked that the matter be continued so there is an opportunity for the group to meet with staff to make sure businesses are not negatively impacted.

Mike Sweeney, property and business owner, stated that he spent 30 hours reviewing the document and has about 35 comments on its content. There are unintended consequences with this Ordinance which he doesn't feel the Council understands. This covers not only temporary licenses but all licenses. Now the Planning, Building, and Police Departments have the ability to shut down a business or a private party. A person could hold DABC licenses but be prohibited from conducting business in Park City. We are spending millions of dollars to attract people to conduct business here and the way this is currently drafted, he can't have any kind of party at The Yard without obtaining a convention and sales license and a liquor license for every party even if it is a private party. The definition of conducting business is too broad. Now non-profits need a City liquor license to hold a fund-raiser. Mr. Sweeney elaborated on the

hardships this Ordinance will cause him and feels this was not the intent of the Ordinance. There are holes in the language. He suggested forming a committee comprised of business people to review the draft.

Jesse Shetler, owner of three liquor licenses and soon to be five, relayed that many business owners just found out about this amendment today. He would like to see this matter tabled in order to give them another opportunity to review it. There are some things he has seen in the Ordinance that concerns him and he would like them addressed. The City has been great to work with in obtaining business and liquor licenses and he is worried about making serving liquor more difficult. He thinks Park City has been very successful *in not having the Utah liquor laws get the best of us*. He would hate to see that go the other way. It was clarified that this amendment only addresses temporary licenses.

Mike Sweeney interjected that the Ordinance includes amendments to general liquor license provisions and Mr. Shetler asked if all licenses are affected. Polly Samuels McLean explained the reason all of Title 4 is included is because of the restructure of the titles and chapters so that it reads better and these are minor housekeeping changes. The intent of the Ordinance is to make it easier for people to obtain temporary liquor licenses and part of the reason staff brought this to Council was in response to business community concerns, like the requirement for fingerprinting. Instead of submitting a criminal background check, applicants are asked to sign an affidavit. This is really an attempt to simplify things and nothing other than that has changed. The things that Mr. Sweeney brought up are already in the Code.

Jesse Shetler expressed that there might be an impact on general licenses and it may be of little concern to owners but there should be more discussion. He felt there was no proper notification. The noticing may have been legal but there should be more time spent on this.

With no further comments, Alex Butwinski closed the public hearing. Cindy Matsumoto stated that she has no problem with continuing this but emphasized that the intent was to make the process easier for temporary liquor licenses. She expressed confusion about licensing non-profits. Mark Harrington clarified that if it is truly a private party as defined by the state and there is no other business being conducted at the event, a liquor license is not required. Most fund-raising is considered conducting business and if there is a direct charge for the dinner and the free provision of alcohol, for example, he believes the state requires a license. The grey area are the Sundance sponsor houses, for example, where there is free alcohol but there also may be a free massage room or the party-pack hand-out. The state won't typically require the premise to get licensed but the City does and that is the biggest difference.

Shelley Hatch stated that there is no fee for non-profits to obtain a liquor license and the main reason a license is required is to have critical contact information for the Police Department with regard to identifying the responsible party. A non-profit can obtain 12

temporary liquor licenses a year for 72 hours per event. Mark Harrington clarified that this provision is in the existing Code.

With regard to notice, Ms. McLean stated that she notified Alison Butz on Tuesday but she didn't respond. She then sent her something yesterday. Except for the background check and the insurance requirement, all of the changes were reviewed by Council in December so this draft has been around for a while. She apologized for any miscommunication but staff did not receive any feedback about this proposal being problematic.

Andy Beerman stated that the clear intent is to clean things up but when changes involve businesses, special events and liquor licenses, it is important to meet with the stakeholders. Staff often says they are going to talk to them ahead of time before coming to Council and it seems like we're still not doing that. He felt that we can reach out to representatives from the Chamber, the Restaurant Association and the HPCA and give them some time to work on it because the process would go a lot smoother.

Liza Simpson, "I move that we move this item to the first meeting in April". Andy Beerman seconded. Motion unanimously carried. She noted that this has been on the master calendar since January and Mark Harrington added that staff believed these amendments were non-controversial and underestimated the interest in these changes. Liza Simpson amended her motion, "to give direction to staff to do some outreach with the concerned business owners and the HPCA". Andy Beerman seconded. Motion unanimously carried.

4. Consideration of an amendment to the contract for state lobbying services with Legislative Executive Consulting, LLC for an additional \$80,000 for the 2013 legislative session, in a form approved by the City Attorney – Diane Foster explained that it has come to staff's attention that there is an opportunity for potential funding for infrastructure improvements related to economic development. Staff believes that if two additional individuals are hired for the balance of the year that the City has a reasonable chance of obtaining funding.

Andy Beerman asked the logic of using the Risk Management Fund as the funding source. She indicated that the Budget Team recommended this fund because it had available funds. Mr. Beerman asked if the fund will be reimbursed at some point from other sources. Mark Harrington cautioned on using this fund in too many instances because it is the City's self-insurance fund although he was aware of this recommendation. It is not a discretionary fund. Ms. Foster explained that there were RDA funds available but the Budget Department was not comfortable with that choice.

Liza Simpson, "I move that we amend the contract for state lobbying service with Legislative Executive Consulting, LLC for an additional \$80,000 for the 2013 legislative session, in a form approved by the City Attorney". Andy Beerman seconded. Motion unanimously carried.

VI 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 Pro Tem Alex Butwinski, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek, and Liza Simpson. Dana Williams was absent and excused. Staff present was Diane Foster, Interim City Manager; Jonathan Weidenhamer, Economic Development Manager; Heinrich Deters, Trails and Open Space Manager; Joan Card, Environmental Regulatory Manager; Phyllis Robinson, Public Affairs Manager; Matt Cassel, City Engineer; Thomas Eddington, Planning Manager; Nate Rockwood, Budget Manager; Tom Daley, Deputy City Attorney; Roger McClain, Project Manager; and Mark Harrington, City Attorney. Cindy Matsumoto, "I move to close the meeting to discuss property and litigation". Andy Beerman seconded. Motion carried unanimously. The meeting opened at approximately 4:10 p.m. Dick Peek, "I move to open the meeting". Liza Simpson seconded. Motion unanimously carried.

The City Council again met in closed session after the adjournment of the regular meeting. Dick Peek, "I move to close the meeting to discuss personnel and litigation". Liza Simpson seconded. Motion unanimously carried.

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

Prepared by Janet M. Scott, City Recorder



City Council Staff Report

Subject: Wasatch Solar Challenge Interlocal Agreement (Resolution)
Author: Tyler Poulson
Department: Sustainability
Date: March 21, 2013
Type of Item: Administrative

Summary Recommendations:

Staff recommends that City Council adopt the attached resolution (Exhibit A) and direct the Interim City Manager to execute an Interlocal Agreement between Park City and Salt Lake City. The resolution supports ongoing activities related to the Wasatch Solar Challenge, including receipt of grant funding for Summit Community Solar efforts.

Topic/Description:

The attached Interlocal Agreement (Exhibit B) represents a continuation of the partnership between Park City and Salt Lake City as part of the Wasatch Solar Challenge. The Interlocal Agreement provides Park City with financial reimbursement of \$6,500 for staff time spent as part of the Summit Community Solar bulk purchase program. The \$6,500 originates from a U.S. Department of Energy grant of which Park City was a sub-recipient.

Background:

Park City has been partnering with Utah Clean Energy and local governments across northern Utah as part of the Wasatch Solar Challenge since early 2012. One outcome of this challenge is the new Summit Community Solar bulk-purchase program. The attached Interlocal Agreement represents a continuation of this partnership whereby Park City would receive \$6,500 in reimbursements for staff time allocated. This \$6,500 originates from a U.S. Department of Energy grant, of which Salt Lake City was the primary recipient and Park City was a sub-recipient.

The agreement also mentions a \$6,000 cash match. Per a January 24, 2013 Staff Report to City Council, these funds were provided to Utah Clean Energy for their administrative work and oversight of the Summit Community Solar program.

Analysis:

Park City and its partners are well underway in implementing the Summit Community Solar bulk-purchase program. As part of these efforts, and as a continuation of our involvement in the Wasatch Solar Challenge, staff was presented with an opportunity to receive \$6,500 in grant funding. Staff recommends that Park City execute the attached Interlocal Agreement as a way to formally facilitate receipt of these funds from Salt Lake City. Staff has reviewed the related Scope of Services from the Interlocal Agreement and will be able to complete all related tasks.

Department Review:

Sustainability, Legal, and the Interim City Manager reviewed this Staff Report.

Alternatives:**A. Approve:**

Adopt the attached resolution and direct the Interim City Manager to execute an Interlocal Agreement with Salt Lake City **(STAFF RECOMMENDATION)**.

B. Deny:

Do not adopt the attached resolution and/or Interlocal Agreement.

C. Modify:

City Council may approve the staff recommendation, but with some modifications outlined by Council during Regular Session.

D. Continue the Item:

City Council may request staff to return with more information to help inform their decision and priorities.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Unique and diverse businesses + Internationally recognized & respected brand	+ Managed natural resources balancing ecosystem needs + Reduced municipal, business and community carbon footprints	+ Residents live and work locally	+ Engaged and informed citizenry + Ease of access to desired information for citizens and visitors + Fiscally and legally sound
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Positive 	Positive 	Positive 	Positive 
Comments: The attached resolution and letter of intent bolster the existing Summit Community Solar program and all of its related economic, environmental, and social goals. Receipt of the grant funds via this interlocal agreement represents fiscally responsible local government operations.				

Funding Source:

No new City funding is being requested to fulfill the Staff Recommendation.

Consequences of not taking the recommended action:

The attached resolution represents a strengthening of regional partnership to advance deployment of solar energy installations and citizen engagement. Not taking the recommended action would mean that Park City does not receive \$6,500 in grant funding and foregoes an opportunity to partner with Salt Lake City on this specific solar energy endeavor.

Recommendation:

Staff recommends that City Council adopt the attached resolution (Exhibit A) and direct the Interim City Manager to execute an Interlocal Agreement between Park City and Salt Lake City. The resolution supports ongoing activities related to the Wasatch Solar Challenge, including receipt of grant funding for Summit Community Solar efforts.

Attachments:

Exhibit A – Resolution Supporting Adoption of an Interlocal Agreement between Salt Lake City Corporation and Park City Municipal Corporation for the Wasatch Solar Challenge

Exhibit B – Interlocal Agreement between Salt Lake City Corporation and Park City Municipal Corporation

**Exhibit A - Resolution Supporting Adoption of an Interlocal Agreement
between Salt Lake City Corporation and Park City Municipal
Corporation for the Wasatch Solar Challenge**

Resolution No. __-13

WHEREAS, Park City Municipal Corporation has a history of supporting renewable energy endeavors and this support is reflected in the Council-adopted Environmental Strategic Plan; and

WHEREAS, Park City Municipal Corporation and Salt Lake City Corporation have partnered to advance solar energy goals as part of the Wasatch Solar Challenge; and

WHEREAS, the Wasatch Solar Challenge supports the 2013 Summit Community Solar project and its encouragement of solar energy installations in the Summit County area; and

WHEREAS, an Interlocal Agreement will formalize this partnership and also facilitate receipt of grant funding by Park City Municipal Corporation to support staff time and administrative efforts related to the Summit Community Solar project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Park City, UT as follows:

The City Council hereby authorizes the City Manager to execute an Interlocal Agreement between Park City Municipal Corporation and Salt Lake City Corporation for the purpose of executing goals related to the Wasatch Solar Challenge, in a form approved by the City Attorney's Office.

PASSED AND ADOPTED this 21st day of March, 2013.

PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams

Attest:

Janet M. Scott, City Recorder

Approved to form:

Mark D. Harrington, City Attorney

**Exhibit B - Interlocal Agreement between Salt Lake City Corporation and
Park City Municipal Corporation**

**INTERLOCAL AGREEMENT
BETWEEN SALT LAKE CITY CORPORATION
AND PARK CITY MUNICIPAL CORPORATION**

THIS AGREEMENT is entered into by and between SALT LAKE CITY, a municipal corporation of the State of Utah (the City), and Park City Municipal Corporation, a municipal corporation of the State of Utah, hereinafter "Subgrantee", collectively "Parties", and is dated as of the first date on which a duly executed original counterpart of this Agreement has been filed with the keeper of records for each part, pursuant to §11-13-209 of the Interlocal Cooperation Act.

RECITALS

WHEREAS, the parties are desirous of entering into an agreement for the City to provide certain grant monies to Subgrantee for the purposes of partnering, expanding and transforming Utah's solar photovoltaic (PV) market.

NOW, THEREFORE, in consideration of the mutual promises and considerations set forth below, the parties agree to the following:

TERMS

1. PURPOSE: To provide funding to Subgrantee for the purposes of partnering, expanding and transforming Utah's solar photovoltaic (PV) market.
2. CONTRACT TERM: The term of this agreement shall run from January 1, 2013 to June 30, 2013.
3. SCOPE OF SERVICES: Subgrantee shall provide those services and allocate funds accordingly as set forth in Exhibit "A", which is attached hereto and by this reference incorporated herein.
4. ACTIVITIES FUNDED: The City shall provide funding for the services described in Exhibit "A", Scope of Services. Said funding shall be derived from Salt Lake City's U.S. Department of Energy grant award for the Wasatch Solar Challenge.
5. BUDGET: The City shall provide an amount not to exceed \$6,500 for services as contemplated by the terms of this Agreement. Park City shall provide a cash match of \$6,000.00. The basis for said compensation is set forth in Exhibit "B", which is attached hereto and by this reference incorporated herein.

6. ADMINISTRATIVE REPRESENTATIVE: The designated representatives of the parties for purposes of administering this Agreement shall be:

CITY: Director, Housing and Neighborhood Development
Salt Lake City Corporation
451 So. State Street, Room 445, P.O. Box 145488
Salt Lake City, Utah 84114-5488

SUBGRANTEE: Environmental Sustainability Manager
Park City Municipal Corporation
445 Marsac; P.O. Box 1480
Park City, Utah 84060

7. BILLINGS: The Subgrantee shall submit a billing to Salt Lake City Corporation not more often than monthly or by the 10th day following the end of each quarter (i.e., April 10; July 10th; October 10th; and January 10th). Each billing shall include documentation of all expenses to be reimbursed by the City (i.e., log of time related to activities outlined in Exhibit "A", vouchers, invoices and receipts). In addition, documentation of match must be submitted with each request for reimbursement. Failure to do so may delay payments.

8. VERIFICATION OF SERVICES: The Subgrantee shall maintain thorough records of all business transactions and shall give City and U.S. Department of Energy, through any authorized representatives, access to and the right to examine all records, books, papers or documents to all Subgrantee operations funded in whole or in part under this Agreement for a period beginning as of the date this Agreement is executed and continuing until three (3) years following the termination of this Agreement.

9. INFORMATION: The City and U.S. Department of Energy shall have unrestricted authority to publish, disclose, distribute and otherwise use, in whole or in part, any reports, data, materials, or other information prepared under or in conjunction with this Agreement.

10. REPORTS: Subgrantee shall submit to the City a monthly report on project performance. This report shall be due no later than the 10th day of each month. Subgrantee shall also maintain records throughout the duration of the project and shall provide to the City a final report of activities funded no later than fifteen (15) days after the termination of this Agreement.

11. CONFLICT OF INTEREST: Subgrantee shall establish safeguards to prohibit its employees, board members, advisors and agents from using positions for a purpose that is, or gives the appearance of being, motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business or other ties. Subgrantee shall disclose to the City any conflict of interest or potential conflict of interest described above immediately upon discovery of such conflict or potential conflict.

12. REPRESENTATION REGARDING ETHICAL STANDARDS FOR CITY OFFICERS AND EMPLOYEES AND FORMER CITY OFFICERS AND EMPLOYEES: Subgrantee represents that it has not: (1) provided an illegal gift or payoff to a city officer or

employee or former city officer or employee, or his or her relative or business entity; (2) retained any person to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, other than bona fide employees or bona fide commercial selling agencies for the purpose of securing business; (3) knowingly breached any of the ethical standards set forth in the city's conflict of interest ordinance, Chapter 2.44, Salt Lake City Code; or (4) knowingly influenced, and hereby promises that it will not knowingly influence, a city officer or employee or former city officer or employee to breach any of the ethical standards set forth in the City's conflict of interest ordinance, Chapter 2.44, Salt Lake City Code.

13. INDEPENDENT CONTRACTOR: For the purpose of this Agreement, it is understood that the parties are independent contractors and no employee or agent of one is, for any purpose of this Agreement, an employee or agent of the other. Nothing contained herein, or any of the obligations of the parties hereunder, shall in any manner inure to the benefit of third parties.

14. INDEMNIFICATION: Subgrantee agrees and covenants to hold the City harmless, indemnify and defend it and its officers and agents of and from any and all claims of loss, damages or injury sustained by any person or damage to property and all expenses, including reasonable attorneys fees incurred or thereby arising from the performance of the Subgrantee principals, staff, agents, contractors or employees under the provisions of this Agreement. Subgrantee agrees that said indemnification shall extend to any claim asserted against City by the U.S. Department of Energy as a result of this Agreement or the grant made pursuant hereto, regardless of the fault or non-fault of Subgrantee in connection with such claim.

15. REAL OR PERSONAL PROPERTY: No real or personal property shall be acquired jointly by the parties as a result of this agreement. To the extent that a party acquires, holds, or disposes of any real or personal property for use in the joint or cooperative undertaking contemplated by this agreement, such party shall do so in the same manner that it deals with other property of such party.

16. FEDERAL REGULATIONS: The Subgrantee shall administer this contract in compliance with all applicable federal, Utah State and Salt Lake City Corporation laws, ordinances and regulations, including but not limited to the following federal regulations which are incorporated herein by reference:

- a. The requirements and standards of OMB Circulars No. A-102, Grants and Cooperative Agreements with State and Local Governments, A-110, Uniform Administrative Requirements for Grants and Other Agreements with Institutes of Higher Education, Hospitals and Other Non-Profit Organizations, A-21, Cost Principals for Educational Institutions, A-87 Cost Principals for State, Local and Indian Tribal Governments, A-122 Cost Principals for Non-Profit Organizations and A-133, Audits of Institutions of Higher Education and Other Non-Profit Institutions.
- b. Lobbying Restrictions – By accepting funds under this award, you agree that none of the funds obligated on the award shall be expended, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress,

other than to communicate to Members of Congress as described in 18 U.S.C. 1913. This restriction is in addition to those prescribe elsewhere in statute and regulation.

17. REDUCTION IN ADMINISTRATIVE COMPENSATION: In the remote event that the U.S. Department of Energy should, for any reason, reduce or eliminate the City's funding under the Solar America Initiative, the City reserves the right to renegotiate the amount of compensation due Subgrantee for the Activities Funded as provided herein, or to terminate this Agreement for cause pursuant to the paragraph entitled "Termination" herein below, in the event no amending agreement can be reached between the parties within sixty (60) days after notice of such change in anticipated funding.

18. TERMINATION: The City, with or without cause, may terminate this Agreement by giving Subgrantee written notice by certified mail.

19. SETOFF: Notwithstanding, any provision appearing to the contrary, Subgrantee shall not be relieved of liability to the City for damages sustained by the City by virtue of any breach of this Agreement by Subgrantee. The City may withhold payment of compensation to Subgrantee for the purpose of setoff until such time as the exact amount of damage incurred by the City which would be due from Subgrantee is determined and paid. Such damages may include the U.S. Department of Energy's disqualification of Activities Funded because of Subgrantee's failure to properly administer the same.

20. INTEGRATED DOCUMENT: This Agreement embodies the entire agreement between City and Subgrantee for the scope of services and their terms and conditions. No verbal agreements or conversation with any officer, agent or employee of the City prior to the execution of this Agreement shall affect or modify any of the terms or obligations contained in any documents comprising this Agreement. Any such verbal agreement shall be considered as unofficial information and in no way binding upon the City.

21. AMENDMENTS: This Agreement may be amended only by written agreement of the parties hereto.

22. SEVERABILITY OF PROVISIONS: If any provisions of this Agreement are held invalid, the remainder of this Agreement shall not be affected thereby if such remainder would then continue to conform to the terms and requirements of applicable law.

23. NON-ASSIGNABILITY: Subgrantee shall not assign any interest in this Agreement, and shall not transfer any interest in this Agreement without written consent of the City thereto.

24. NO THIRD PARTY BENEFICIARIES: Subgrantee's obligations are solely to the city and to the U.S. Department of Energy and the City's obligations are solely to Subgrantee and to the U.S. Department of Energy. This Agreement shall confer no third party rights whatsoever other than those between the parties hereto and the U.S. Department of Energy.

25. SUCCESSORS: Subgrantee covenants that the provisions of this Agreement shall be binding upon heirs, successors, sub-contractors, representatives and agents.

26. AMBIGUITY: Any ambiguity in this Agreement shall be construed in favor of the City.

27. GOVERNING LAW: This Agreement shall be enforced in and governed by the laws of the State of Utah.

The parties are signing this agreement as of the date stated in the introductory clause.

SALT LAKE CITY CORPORATION

By: _____
David Everitt, Chief of Staff

ATTEST:

Approved as to Form:
Salt Lake City Attorney's Office

CITY RECORDER

By: _____

Date: _____

PARK CITY MUNICIPAL
CORPORATION

By: _____
Diane Foster, Interim City Manager

ATTEST:

Approved as to Form:
Park City Attorney's Office

CITY RECORDER
Janet M. Scott, City Recorder

By: _____
Mark D. Harrington, City Attorney

Date: _____

**INTERLOCAL AGREEMENT
BETWEEN SALT LAKE CITY CORPORATION
AND PARK CITY MUNICIPAL CORPORATION**

EXHIBIT "A" - SCOPE OF SERVICES

As a partner in the Wasatch Solar Challenge, Park City, coordinating with Salt Lake City, other partner jurisdictions, and the Project Lead (Utah Clean Energy) will help to ensure effective implementation of tasks and deliverables as they relate to the Statement of Project Objectives for the Wasatch Solar Challenge.

Specifically, Park City Municipal Corporation will provide administrative and technical support to the Summit Community Solar project. This support will include, but not be limited to, the following tasks:

- Develop Initial Website Content for mycommunitysolar.org/summit
- Contribute Regular Content Updates to Website Throughout Project
- Schedule and Lead Public Workshops to Recruit a Volunteer Steering Committee
- Provide Administrative Support and Staff Coordination to Volunteer Steering Committee
 - Steering Committee will be Responsible for Contractor Selection and Coordination as well as Community-wide Marketing and Outreach
- Act in a Leadership and Advisory Capacity, alongside Utah Clean Energy and Summit County, to Ensure Successful Program Roll-out and Implementation

**INTERLOCAL AGREEMENT
BETWEEN SALT LAKE CITY CORPORATION
AND PARK CITY MUNICIPAL CORPORATION**

EXHIBIT "B" – BUDGET

Salt Lake City Corporation's total contribution to the program enumerated in the Scope of Services of this Agreement shall not exceed \$6,500.00, which will come from Salt Lake City's U.S. Department of Energy grant award for the Wasatch Solar Challenge. Park City shall provide a cash match of \$6,000.00. Eligible expenditures are outlined below.

	Grant	Match
Personnel-		
Environmental Sustainability Manager		
Wage & Benefits		
\$46.00 per hr x 80 hrs	\$3,680.00	
Environmental Project Manager		
Wage & Benefits		
\$35.00 per hr x 80 hrs	\$2,820.00	
Cash Match		\$6,000.00

Subgrantee shall submit billings for reimbursement to Sherrie Collins, Housing and Neighborhood Development, 451 So. State Street, Room 445, P.O. Box 145488, Salt Lake City, Utah 84114-5488. Requests for reimbursement must include an itemized invoice of expenses including time sheets / log related to grant activities, travel log, and receipts, etc.

City Council Staff Report



Subject: UDOT Construction Engineering Management
Services Agreement for Deer Valley Drive Construction
Author: Matthew Cassel, P.E., City Engineer
Department: Engineering
Date: March 21, 2013
Type of Item: Administrative

Summary Recommendations:

The Council should authorize the Interim City Manager to sign the UDOT Consultant Services Agreement with the TEA Group for construction engineering management (CEM) services related to the construction of Deer Valley Drive in the amount of \$393,288.

Topic/Description:

Through the Small Urban Fund program, Park City was granted \$1,000,000 to be used for improvements to Deer Valley Drive. The Small Urban Fund program is a Federal road funding program and is administered by Utah Department of Transportation (UDOT). Park City is considered a small urban community and thus qualifies for these funds. This contract with the TEA Group provides our team with the construction engineering management (CEM) role on the project. The contract is not attached because it is currently going through the UDOT approval process.

Four contracts will be created for the construction phase of Deer Valley Drive. These contracts include:

1. Construction Engineering Management (CEM) contract,
2. Public Information contract,
3. Change Order Review contract, and
4. Construction contract

Contracts 1- 3 are before Council tonight seeking approval. The actual construction contract is anticipated to be on the April 11 City Council agenda for approval.

Background:

Park City was awarded \$1,000,000 in Small Urban Fund grant money in 2009 for the reconstruction of Bonanza Drive. Additionally, Park City has been awarded an additional \$1,000,000 in Small Urban Fund grant money for the future reconstruction of Prospector Avenue in 2017. This grant money does have a matching requirement. Park City is responsible to provide matching funds in the amount of 7.2% of the total Federal grant. In these cases Park City is required to provide \$72,616 in matching funds. In these cases Park City is required to provide \$72,616 in matching funds for every \$1,000,000 granted.

The original grant application to the Small Urban Fund program was made and Park City was awarded the grant money prior to 2008. This original grant did not have a scope of work which defined how the money was going to be used. In 2010, Park City was requested by UDOT to further define the project. This updated application was submitted and included modifications to the existing round-about and pedestrian lighting from the existing round-about to the intersection of Deer Valley Drive and Deer Valley Drive North.

During the September 13, 2012 Council meeting, Council approved a contract with Stanley Consultants for the design of Deer Valley Drive. During the December 20, 2012 Council meeting, Council approved the contract with Geneva Rock for Construction Management/General Contractor (CM/GC) services during the design phase of this project. Finally, during the December 20, 2012 Council meeting, Council also approved the contract with Stanton Constructability Services for independent construction estimator (ICE) services also during the design phase of this project.

Concurrently with this request, a contract is being considered by Council for the public information support contract and a contract is being considered to provide change order review on this project.

Analysis:

The Deer Valley Drive design will include repair and lining of the existing collapsed storm drain, replacement of sections of the gas line (work and design to be performed by Questar Gas), replacement of the existing distribution water line, pedestrian modifications at the round-about, left turn lane at the intersection of Deer Valley Drive and Deer Valley Drive North, bus pullouts, speed limit feedback signs, pedestrian lighting from the round-about to the intersection of Deer Valley Drive and Deer Valley Drive North, updated signage and road resurfacing.

The purpose of the CEM is to provide construction over sight during the construction of Deer Valley Drive. The important functions of the CEM include making sure the contractor is installing the elements of the project correctly, verifying that federal requirements are met and to making sure the City's issues and concerns are satisfactorily addressed.

Because this project will be administered by UDOT, the CEM consultant was selected using UDOT's selection process. This process included selecting five consultants from UDOT's existing consultant pool (This pool is operates similar to the State Contract where Park City is allowed to purchase items directly). The five selected consultants were:

- URS,
- TEA Group,
- Horrocks Engineers,
- Project Engineering Consultants, and
- JUB Engineers (who did not submit and SOQ)

These consultants then submitted a Statement of Qualification (SOQ) which was evaluated by Park City staffers. The TEA Group was determined to be the best choice for providing construction engineering management services to the City on this project. Because their overhead rate was established through their inclusion in the UDOT consultant pool, the scope of services and hours to complete the work were negotiated with the TEA Group.

This contract being considered will end when the construction is completed and the project is closed out.

The design of Deer Valley Drive is currently 90% complete with 100% completion by mid-March 2013. With the design completed by mid-March the construction should still be able to commence by late April to take full advantage of the spring shoulder season.

The Council has approved funding for this project as follows:

Capital Project cp0176 (Deer Valley Drive Reconstruction) contains \$648,105 for the project and Capital Project cp0256 (Storm Water Improvements) contains \$46,480 for the project. Additional monies in the amount of \$1,000,000 have been encumbered through UDOT's STP Small Urban Funds Program. The Water Department will provide funding for the water improvements from water service fees and is part of the proposed FY2013/2014 CIP under Water Department's annual budgeted Asset Management/Replacement Program.

In recent conversations with UDOT representatives and at this time, it does not appear that the Federal money for this project is exposed to the fiscal cliff issue.

Department Review:

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

Alternatives:

A. Approve the Request:

This is the staff's recommendation.

B. Deny the Request:

UDOT will not start the construction bidding process until the CEM contract is finalized. If this contract is denied, the project would stop.

C. Continue the Item:

If the Council needs more information the item can be continued, but this would cause a delay to the bidding process because UDOT will not start the process until the CEM contract is finalized.

D. Do Nothing:

This option would have the same effect as denying the request..

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Accessibility during peak seasonal times + Safe community that is walkable and bike-able			+ Well-maintained assets ▾ infrastructure
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Positive 	Neutral 	Neutral 	Positive 
Comments:				

The construction of Deer Valley Drive will heavily impact the adjacent homeowners and access to the Solamere neighborhood and Deer Valley Resort, especially because staff believes the road will need to be closed for certain periods of time. These impacts were addressed through the use of the Construction Management/General Contractor (CM/GC) construction contract. With the contractor on board, we worked directly with them to determine which activities will affect the ability to keep the road open and solutions to these impactful activities.

A public meeting was held on February 19 to gather neighborhood issues and concerns. Another public meeting will be held later in April as our team prepares to start construction. Additionally, staff has met with Deer Valley on a monthly basis to share summer programming information and to collaborate on common goals. The needs of Deer Valley Resort are being incorporated into the contract documents.

Consequences of not taking the recommended action:

Deer Valley Drive is an important transportation link for the City. This project will help to make this transportation corridor more efficient using the existing pavement width. Not commencing with the CEM contract will not allow our team to adequately oversee the construction of the project.

Recommendation:

The Council should authorize the Interim City Manager to sign the UDOT Consultant Services Agreement with the TEA Group for construction engineering management (CEM) services related to the construction of Deer Valley Drive in the amount of \$393,288.

Exhibit A – Deer Valley Drive CEM Scope of Work and Fee

UDOT Cost Proposal

Contract Number:	NEW	Mod:			
Project Number:	F-LC43(30)	PIN:	7164	UDOT Project Manager:	Ritchie Taylor
Project Location:	DEER VALLEY DRIVE, PARK CITY				
Labor Costs					
Employee Name		Contract Job Title	Hours	Proposal Rate	Labor Cost
BEST, DAVID		ENGINEERING TECHNICIAN III	235	\$30.00	\$7,050.00
BEST, DAVID (OT)		ENGINEERING TECHNICIAN III	120	\$45.00	\$5,400.00
BETTININSON, JON (OT)		ENGINEERING TECHNICIAN II	1	\$27.00	\$27.00
BETTINSON, JON		ENGINEERING TECHNICIAN II	100	\$18.00	\$1,800.00
CHRISTIANSON, CHANDLER		CLERICAL SUPPOER	150	\$14.00	\$2,100.00
CHRISTIANSON, CHANDLER (OT)		CLERICAL SUPPORT	1	\$21.00	\$21.00
CRIDDLE, JARIN		ENGINEERING TECH II	583	\$20.00	\$11,660.00
CRIDDLE, JARIN (OT)		ENGINEERING TECHNICIAN II	278	\$30.00	\$8,340.00
ESKELSEN, DAVID QUINN		FIELD/LAB TECHNICIAN	171	\$20.00	\$3,420.00
ESKELSEN, DAVID QUINN-OT		FEILD/LAB TECHNICIAN	1	\$30.00	\$30.00
EVANS, GUY		ENGINEERING TECH II	466	\$24.00	\$11,184.00
EVANS, GUY (OT)		FEILD ENGINEER	208	\$32.00	\$6,656.00
GREAVES, CAMERON		ENGINEERING TECHNICIAN II	1	\$16.00	\$16.00
GREAVES, CAMERON (OT)		ENGINEERING TECHNICIAN II	1	\$24.00	\$24.00
GREAVES, PRESTON		ENGINEERING TECH II	1	\$17.00	\$17.00
GREAVES, PRESTON (OT)		ENGINEERING TECHNICIAN II	1	\$25.50	\$25.50
HALLING, CALLIE		OFFICE ASSISTANT	315	\$18.00	\$5,670.00
HALLING, CALLIE (OT)		OFFICE ASSISTANT	1	\$26.00	\$26.00
HODGES, MARCUS		ENGINEERING TECH II	1	\$15.00	\$15.00
HODGES, MARCUS (OT)		ENGINEERING TECHNICIAN II	1	\$22.50	\$22.50
MINEAR, TYLER		OFFICE OVERSIGHT	350	\$14.50	\$5,075.00
MINEAR, TYLER (OT)		ENGINEERING TECHNICIAN II	1	\$21.75	\$21.75
MORGAN, TOMMY		OFFICE MANAGER / CONTRACT ADMN	230	\$38.50	\$8,855.00
MORGAN, TOMMY (OT)		OFFICE MANAGER/CONTRACT ADMIN	1	\$57.75	\$57.75
MORRISON, SCOTT (OT)		ENGINEERING TECHNICIAN II	1	\$22.50	\$22.50
MORRISON, SCOTT*		ENGINEERING TECH II*	61	\$15.00	\$915.00
OLSEN, PARKER		ENGINEERING TECHNICIAN	150	\$16.00	\$2,400.00
OLSEN, PARKER (OT)		ENGINEERING TECHNICIAN II	1	\$24.00	\$24.00
PURDIE, CHARLES		ENGINEERING TECH II	1	\$16.00	\$16.00
PURDIE, CHARLES (OT)		ENGINEERING TECHNICIAN II	1	\$24.00	\$24.00
ROSENSTEIN, DARREN		RESIDENT ENGINEER	435	\$62.00	\$26,970.00
SANDSTROM, YUMIKO		OFFICE ASSISTANT	150	\$14.00	\$2,100.00
SANDSTROM, YUMIKO (OT)		CLERICAL	1	\$21.00	\$21.00
SCHOUTEN, TAMMY		ASSISTANT	270	\$22.90	\$6,183.00
SCHOUTEN, TAMMY (OT)		ADMINISTRATIVE ASSISTANT	1	\$34.35	\$34.35
SISSON, JACK		ENGINEER IN TRAINING	100	\$16.00	\$1,600.00
SISSON, JACK (OT)		ENGINEER IN TRAINING	1	\$24.00	\$24.00
SMITH, MIKE		ENGINEER IN TRAINING	100	\$16.00	\$1,600.00
SMITH, MIKE (OT)		ENGINEER IN TRAINING	1	\$24.00	\$24.00

UDOT Cost Proposal

Contract Number:	NEW	Mod:		
Project Number:	F-LC43(30)	PIN:	7164	UDOT Project Manager: Ritchie Taylor
Project Location:	DEER VALLEY DRIVE, PARK CITY			
SMITH, MITCHELL	ENGINEERING TECH I	1	\$15.00	\$15.00
SMITH, MITCHELL (OT)	ENGINEERING TECHNICIAN I	1	\$22.50	\$22.50
STARK, ISAAC	ENGINEER IN TRAINING	1	\$18.00	\$18.00
STARK, ISAAC (OT)	ENGINEER IN TRAINING	1	\$27.00	\$27.00
STEWART, LARRY	ENGINEERING TECH	554	\$18.00	\$9,972.00
STEWART, LARRY (OT)	ENGINEERING TECHNICIAN II	304	\$27.00	\$8,208.00
WATKINS, FLOYD	ENGINEERING TECH II	121	\$21.50	\$2,601.50
WATKINS, FLOYD (OT)	ENGINEERING TECH II	1	\$32.25	\$32.25
Total Hours:		5,476		
Total Direct Labor:				\$140,367.60
Overhead:		123.62%		\$173,522.45
Total Direct Labor plus Overhead:				\$313,890.05
Fixed Fee:		12.00%		\$37,666.81
Burdened Labor Cost:				\$351,556.86
Other Direct Charges				
ODC Item	Unit of Measure	Qty	Item Cost	Extended Cost
CL - STANLEY CONSULTANTS INC	LUMP	1.0	\$4,500.000	\$4,500.00
CL - BOWEN COLLINS & ASSOCIATES, INC.	LUMP	1.0	\$3,076.000	\$3,076.00
ASPHALT TESTING: (BURN-OFF)	EACH	4.0	\$200.000	\$800.00
CORE DENSITY-EACH	EACH	20.0	\$35.000	\$700.00
CYLINDER TESTING - (3) 4" X 8"	EACH	75.0	\$140.000	\$10,500.00
ONE POINT MARSHALL	EACH	2.0	\$250.000	\$500.00
RICE - (SET)	EACH	6.0	\$125.000	\$750.00
MILEAGE REIMBURSEMENT	MILE	37,000.0	\$.565	\$20,905.00
Total Other Direct Charges:				\$41,731.00
Total Contract Cost:				\$393,287.86

UDOT Hours Derivation

Contract Number:	NEW	Mod:	
Project Number:	F-LC43(30)	PIN:	7164
UDOT Project Manager:	Ritchie Taylor		
Project Location:	DEER VALLEY DRIVE, PARK CITY		

Employee Name	85C	87C	89C	91C	93C	95C	97C	99C								Total
ROSENSTEIN, DARREN	40	220	100	0	0	20	0	55								435
MORGAN, TOMMY (OT)	0	0	0	0	0	0	0	1								1
BEST, DAVID (OT)	0	0	0	120	0	0	0	0								120
MORGAN, TOMMY	40	150	10	0	0	20	0	10								230
SCHOUTEN, TAMMY (OT)	0	0	0	0	0	0	0	1								1
WATKINS, FLOYD (OT)	0	0	0	1	0	0	0	0								1
EVANS, GUY (OT)	0	0	0	208	0	0	0	0								208
CRIDDLE, JARIN (OT)	0	0	0	278	0	0	0	0								278
BEST, DAVID	6	10	0	219	0	0	0	0								235
ESKELSEN, DAVID QUINN-OT	0	0	0	1	0	0	0	0								1
BETTININSON, JON (OT)	0	0	0	1	0	0	0	0								1
STEWART, LARRY (OT)	0	0	0	304	0	0	0	0								304
STARK, ISAAC (OT)	0	0	0	1	0	0	0	0								1
HALLING, CALLIE (OT)	0	0	0	0	0	0	0	1								1
GREAVES, PRESTON (OT)	0	0	0	1	0	0	0	0								1
SMITH, MIKE (OT)	0	0	0	1	0	0	0	0								1
GREAVES, CAMERON (OT)	0	0	0	1	0	0	0	0								1
PURDIE, CHARLES (OT)	0	0	0	1	0	0	0	0								1
OLSEN, PARKER (OT)	0	0	0	1	0	0	0	0								1
SISSON, JACK (OT)	0	0	0	1	0	0	0	0								1
EVANS, GUY	6	60	0	380	0	20	0	0								466
SCHOUTEN, TAMMY	0	0	180	0	0	0	0	90								270
SMITH, MITCHELL (OT)	0	0	0	1	0	0	0	0								1
HODGES, MARCUS (OT)	0	0	0	1	0	0	0	0								1
MORRISON, SCOTT (OT)	0	0	0	1	0	0	0	0								1

UDOT Hours Derivation

Contract Number:	NEW	Mod:	
Project Number:	F-LC43(30)	PIN:	7164
UDOT Project Manager:	Ritchie Taylor		
Project Location:	DEER VALLEY DRIVE, PARK CITY		

Employee Name	85C	87C	89C	91C	93C	95C	97C	99C								Total
MINEAR, TYLER (OT)	0	0	0	0	0	0	0	1								1
WATKINS, FLOYD	0	0	0	1	120	0	0	0								121
SANDSTROM, YUMIKO (OT)	0	0	0	0	0	0	0	1								1
CHRISTIANSON, CHANDLER (OT)	0	0	0	0	0	0	0	1								1
ESKELSEN, DAVID QUINN	0	0	0	1	120	0	50	0								171
CRIDDLE, JARIN	6	60	0	517	0	0	0	0								583
HALLING, CALLIE	15	0	200	0	0	0	0	100								315
STARK, ISAAC	0	0	0	1	0	0	0	0								1
BETTINSON, JON	0	0	0	100	0	0	0	0								100
STEWART, LARRY	0	0	0	554	0	0	0	0								554
GREAVES, PRESTON	0	0	0	1	0	0	0	0								1
OLSEN, PARKER	0	0	0	150	0	0	0	0								150
GREAVES, CAMERON	0	0	0	1	0	0	0	0								1
SISSON, JACK	0	0	0	100	0	0	0	0								100
PURDIE, CHARLES	0	0	0	1	0	0	0	0								1
SMITH, MIKE	0	0	0	100	0	0	0	0								100
HODGES, MARCUS	0	0	0	1	0	0	0	0								1
MORRISON, SCOTT*	0	0	0	1	60	0	0	0								61
SMITH, MITCHELL	0	0	0	1	0	0	0	0								1
MINEAR, TYLER	0	0	250	0	0	0	0	100								350
CHRISTIANSON, CHANDLER	0	0	100	0	0	0	0	50								150
SANDSTROM, YUMIKO	0	0	100	0	0	0	0	50								150

UDOT Hours Derivation

Contract Number:	NEW	Mod:			
Project Number:	F-LC43(30)	PIN:	7164	UDOT Project Manager:	Ritchie Taylor
Project Location:	DEER VALLEY DRIVE, PARK CITY				

	85C	87C	89C	91C	93C	95C	97C	99C								Total
Firm Activity Totals:	113	500	940	3,052	300	60	50	461								5,476
	85C	87C	89C	91C	93C	95C	97C	99C								Total
Transaction Activity Totals:	113	500	940	3,052	300	60	50	461								5,476

UDOT Staffing Plan

Contract Number:	NEW	Mod:		
Project Number:	F-LC43(30)	PIN:	7164	UDOT Project Manager: Ritchie Taylor
Project Location:	DEER VALLEY DRIVE, PARK CITY			

Employee Name	Contract Job Title	Education/Certification	License Number	Hours	Current Rate	Proposal Rate	Approval Date
ROSENSTEIN, DARREN	RESIDENT ENGINEER	B.S CIVIL ENG.; CEMT;	UT-296978-2203	435	\$62.00	\$62.00	NTP
MORGAN, TOMMY (OT)	OFFICE MANAGER/CONTRACT ADMIN	B.S. ECON; CEMT; PART 1&2; ECS		1	\$57.75	\$57.75	NTP
BEST, DAVID (OT)	ENGINEERING TECHNICIAN III	IQP; PART; CSTT; CTT; SRDTT		120	\$45.00	\$45.00	NTP
MORGAN, TOMMY	OFFICE MANAGER / CONTRACT ADMN	B.S. ECON; CEMT; PART 1&2; ECS		230	\$38.50	\$38.50	NTP
SCHOUTEN, TAMMY (OT)	ADMINISTRATIVE ASSISTANT	CEMT; PARTNERING 1&2		1	\$34.35	\$34.35	NTP
WATKINS, FLOYD (OT)	ENGINEERING TECH II	IQP, CTT, CSTT, SRDTT, PART		1	\$32.25	\$32.25	NTP
EVANS, GUY (OT)	FEILD ENGINEER	IQP; PARTNERING; CEMT		208	\$32.00	\$32.00	NTP
BEST, DAVID	ENGINEERING TECHNICIAN III	A.D; WAQTC#161734; IQP; PARTNE		235	\$30.00	\$30.00	NTP
ESKELSEN, DAVID QUINN-OT	FEILD/LAB TECHNICIAN	WAQTC-161583; IQP; PARTNERING		1	\$30.00	\$30.00	NTP
CRIDDLE, JARIN (OT)	ENGINEERING TECHNICIAN II	WAQTC #162028, IQP, PART		278	\$30.00	\$30.00	NTP
BETTININSON, JON (OT)	ENGINEERING TECHNICIAN II	WAQTC#161921; IQP; PARTNERING		1	\$27.00	\$27.00	NTP
STARK, ISAAC (OT)	ENGINEER IN TRAINING	P.E., IQP, CTT, SRDTT, PART		1	\$27.00	\$27.00	NTP
STEWART, LARRY (OT)	ENGINEERING TECHNICIAN II	IQP, CTT, SRDTT, PART		304	\$27.00	\$27.00	NTP
HALLING, CALLIE (OT)	OFFICE ASSISTANT	CEMT; PARTNERING		1	\$26.00	\$26.00	NTP
GREAVES, PRESTON (OT)	ENGINEERING TECHNICIAN II	WAQTC#162029; IQP; PARTNERING		1	\$25.50	\$25.50	NTP

UDOT Staffing Plan

Contract Number:	NEW	Mod:		
Project Number:	F-LC43(30)	PIN:	7164	UDOT Project Manager: Ritchie Taylor
Project Location:	DEER VALLEY DRIVE, PARK CITY			

OLSEN, PARKER (OT)	ENGINEERING TECHNICIAN II	IQP; SRD TT; CTT;		1	\$24.00	\$24.00	NTP
EVANS, GUY	ENGINEERING TECH II	IQP; PARTNERING; CEMT		466	\$24.00	\$24.00	NTP
SISSON, JACK (OT)	ENGINEER IN TRAINING	IQP, CTT, SRD TT		1	\$24.00	\$24.00	NTP
SMITH, MIKE (OT)	ENGINEER IN TRAINING	IQP, CTT, SRD TT		1	\$24.00	\$24.00	NTP
GREAVES, CAMERON (OT)	ENGINEERING TECHNICIAN II	IQP, CSTT, SRD TT, PART.		1	\$24.00	\$24.00	NTP
PURDIE, CHARLES (OT)	ENGINEERING TECHNICIAN II	IQP, CTT, SRD TT		1	\$24.00	\$24.00	NTP
SCHOUTEN, TAMMY	ASSISTANT	CEMT; PARTNERING 1&2		270	\$22.90	\$22.90	NTP
MORRISON, SCOTT (OT)	ENGINEERING TECHNICIAN II	IQP, CTT,		1	\$22.50	\$22.50	NTP
SMITH, MITCHELL (OT)	ENGINEERING TECHNICIAN I	CTT, SRD TT		1	\$22.50	\$22.50	NTP
HODGES, MARCUS (OT)	ENGINEERING TECHNICIAN II	IQP, CTT, SRD TT, PART		1	\$22.50	\$22.50	NTP
MINEAR, TYLER (OT)	ENGINEERING TECHNICIAN II	IQP;CTT;SRD TT		1	\$21.75	\$21.75	NTP
WATKINS, FLOYD	ENGINEERING TECH II	IQP, CTT, CSTT, SRD TT, PART		121	\$21.50	\$21.50	NTP
SANDSTROM, YUMIKO (OT)	CLERICAL	B.S. ENGINEERING		1	\$21.00	\$21.00	NTP
CHRISTIANSON, CHANDLER (OT)	CLERICAL SUPPORT			1	\$21.00	\$21.00	NTP
CRIDDLE, JARIN	ENGINEERING TECH II	A.D. WAQTC #162028, IQP, PART		583	\$20.00	\$20.00	NTP
ESKELSEN, DAVID QUINN	FIELD/LAB TECHNICIAN	WAQTC-161583; IQP; PARTNERING		171	\$20.00	\$20.00	NTP
STARK, ISAAC	ENGINEER IN TRAINING	P.E., IQP, CTT, SRD TT, PART		1	\$18.00	\$18.00	NTP
BETTINSON, JON	ENGINEERING TECHNICIAN II	WAQTC#161921; IQP; PARTNERING		100	\$18.00	\$18.00	NTP
HALLING, CALLIE	OFFICE ASSISTANT	CEMT; PARTNERING		315	\$18.00	\$18.00	NTP

UDOT Staffing Plan

Contract Number:	NEW	Mod:		
Project Number:	F-LC43(30)	PIN:	7164	UDOT Project Manager: Ritchie Taylor
Project Location:	DEER VALLEY DRIVE, PARK CITY			

STEWART, LARRY	ENGINEERING TECH	IQP, CTT, SRD TT, PART		554	\$18.00	\$18.00	NTP
GREAVES, PRESTON	ENGINEERING TECH II	WAQTC#162029; IQP; PARTNERING		1	\$17.00	\$17.00	NTP
OLSEN, PARKER	ENGINEERING TECHNICIAN	IQP; SRDT; CTT;		150	\$16.00	\$16.00	NTP
SMITH, MIKE	ENGINEER IN TRAINING	IQP, CTT, SRD TT		100	\$16.00	\$16.00	NTP
PURDIE, CHARLES	ENGINEERING TECH II	IQP, CTT, SRD TT		1	\$16.00	\$16.00	NTP
GREAVES, CAMERON	ENGINEERING TECHNICIAN II	IQP, CSTT, SRD TT, PART.		1	\$16.00	\$16.00	NTP
SISSON, JACK	ENGINEER IN TRAINING	IQP, CTT, SRD TT		100	\$16.00	\$16.00	NTP
MORRISON, SCOTT*	ENGINEERING TECH II*	IQP, CTT,		61	\$15.00	\$15.00	NTP
HODGES, MARCUS	ENGINEERING TECH II	IQP, CTT, SRD TT, PART		1	\$15.00	\$15.00	NTP
SMITH, MITCHELL	ENGINEERING TECH I	SRD TT, CTT		1	\$15.00	\$15.00	NTP
MINEAR, TYLER	OFFICE OVERSIGHT	IQP;CTT;SRD TT		350	\$14.50	\$14.50	NTP
SANDSTROM, YUMIKO	OFFICE ASSISTANT	B.S. ENGINEERING		150	\$14.00	\$14.00	NTP
CHRISTIANSON, CHANDLER	CLERICAL SUPPOER			150	\$14.00	\$14.00	NTP
Total Hours for T E A GROUP TRANSPORTATION ENGINEERING ALLIANCE:				5,476			

THE A GROUP TRANSPORTATION ENGINEERING ALLIANCE

Prime

UDOT Work Plan

Contract Number:	NEW	Mod:			
Project Number:	F-LC43(30)	PIN:	7164	UDOT Project Manager:	Ritchie Taylor
PIN Description:	DEER VALLEY DRIVE, PARK CITY				

Activity: 85C

85C Pre-Construction Review

- Plan Review
 - Specs
 - Quantities
- Utility Coordination
- Assisting ROW Coordination
- Up to and including Pre-Construction Meeting
- Advertising activities
 - Field calls during advertising
 - Conduct pre-bid meeting

Activity: 87C

87C Construction Management

- Change Orders
- RFI's
- Coordination / Weekly Meetings
 - Owner
 - Contractor
- Partnering
- MOT Review
- RE field engineering activities
- Third Party Coordination
 - ROW
 - Utility
 - LG
 - Other stakeholders
- Submittal Reviews
- CPM Schedule Review
- Coordination with PI (UDOT and consultant)
- Review Structures Shop Drawings
- Obtain & Review as-built drawings
- Final Inspection / Walk-through / Punchlist
- Claims Review

Activity: 89C

89C Project Administration

- Project Documentation
 - Set up and maintain files
 - ProjectWise
- Project Account (PDBS)
 - Partial Pay Estimates / Quantities
 - Prepare and submit final estimates
 - Monthly status of time reports
- Document Control
 - Certification
 - Pay Item Documentation
- Civil Rights
 - Employee Interviews
 - EEO / Labor Compliance
 - DBE / WBE
- Reimbursement Agreements
- Sub-contract coordination

Activity: 91C

91C Field Inspection

- At grade inspection
- Punchlist verification
- Survey verification
- MOT monitoring
- Field testing for small projects
- Environmental Compliance
- Field documentation
 - Daily reports
 - 348's and 138's
 - Visual inspection reports
 - Collect and assemble weight tickets
- Specialty Inspection
- Safety Compliance
 - Accident Prevention

Activity: 93C

93C Materials Testing

- Acceptance Testing
- Field Sampling & Testing
- Lab Testing
- Off site Sampling & Testing
 - Batch Plant
 - Casting Yards
 - Material Source
- Lab Management Activities
 - Documentation
 - Lab Results
 - Internal QC
 - Coordination with RE

Activity: 95C

95C Public Involvement

TEA Group will provide the project appointed PM with assistance in the following categories:

- Contractor compliance
- Stakeholder coordination
- UDOT and Contractor coordination
- Conducting Public Meetings
- Press Releases
- Media campaigns
 - Press releases
 - Flyers
- Public Surveys
- Websites

Activity: 97C

97C QC/QA Control

- Internal & External reviews & audits
- LG Federal-aid Oversight activities
 - Federal compliance
- Bi-monthly process reviews

Activity: 99C

99C Construction Closeout

- Final Forms
- Box preparation
- Closeout Checklist
- Construction Closeout to RCS
- Review project documentation & make recommendations to finalize project
- Independent audit
- Post-construction conference

TEA GROUP TRANSPORTATION ENGINEERING ALLIANCE

Prime

UDOT Executive Summary

Contract Number:	NEW	Mod:			
Project Number:	F-LC43(30)	PIN:	7164	UDOT Project Manager:	Ritchie Taylor
PIN Description:	DEER VALLEY DRIVE, PARK CITY				

Brief Description

Transportation Engineering Alliance (TEA Group) will provide CEM services for all aspects of the **DEER VALLEY DRIVE PROJECT.**

The services will include staffing the project with a resident engineer, office staff, inspecting and testing staff required to perform general construction over-site. TEA Group will conduct a preconstruction meeting with the contractor, attend weekly construction meetings and perform construction inspection of all construction activities including but not limited to: traffic control, maintenance of traffic, materials quality assurance, project accounting, PDBS, ProjectWise, progress payment, and preparation of documentation & certifications for project close out.

Project Team

TEA Group only - no sub consultants.

Assumptions

This project has been awarded to a contractor but we have not received a complete construction schedule therefore this is only an estimate. As a result the inspection staff and project duration may increase or decrease depending on the contractor's actual schedule.

Phasing

- Preconstruction and planning will begin February 2013.
- Construction is scheduled to start April 15th, 2013 and continue to October 15th 2013.
- Close out Procedures will begin at the end of construction and be completed within the 30/30/30 timeframe as required by the department.

Fee Type

Cost plus fixed fee

March 14, 2013

Darren Rosenstein
TEA Group
9025 South 1300 East
Sandy, UT 84094

Subject: Deer Valley Drive Reconstruction – Construction Period Services

Dear Darren:

Bowen, Collins & Associates (BC&A) is pleased to provide this Scope and Fee for construction period services for the waterline, pressure reducing valve vault, and storm drain for the Deer Valley Drive Reconstruction Project. The project boundaries are from the roundabout at Marsac to the Deer Valley Drive North Road. The BC&A scope for design included replacement of the 8-inch distribution waterline from Deer Valley Drive North to the roundabout. Also included was the relocation of the Rossi Hill pressure reducing valve vault outside the Deer Valley Drive roadway. The storm drain design included slip lining the existing 36" storm drain, replacing existing laterals, and adding a lateral from Deer Valley Loop near Provo Street.

BC&A will include providing 1 hour a week for the 26 week construction schedule for design consulting related to the storm drain improvements, the water improvements, and the wetland impact with the stream alteration permit. We've assumed mileage for making 2 site visits.

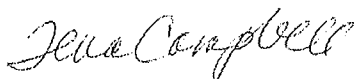
COST PROPOSAL

Table 1 provides our estimated cost to complete the proposed scope of work. We propose to complete the project on a time and materials basis.

Please let me know if you have any questions or need any additional information.

Sincerely,

Bowen, Collins & Associates



Tena Campbell, P.E.
Principal

Attachment

TABLE 1
Park City Municipal Corporation
Deer Valley Drive Reconstruction
CONSTRUCTION ENGINEERING FEE ESTIMATE
3/14/2013

TASK	LABOR				TECHS		ENGINEERS					SUBTOTAL	SUBTOTAL	SUBTOTAL	TOTAL
					CAD	CAD	ENG	PE	ELEC	ENVIR	PM	HOURS	LABOR	EXPENSES	COST
	UDOT Approved Rate				Baucom	Garcia	Thompson	Oldham	Stewart	Tsandes	Campbell				
	Construction Period Services				\$63.07	\$90.70	\$55.22	\$78.50	\$75.22	\$73.03	\$105.39				
1	Construction Period Services				1	1	1	1	1	1	24	30	\$2,965	\$111	\$3,076
	Total	0	0	0	1	1	1	1	1	1	24	30	\$2,965	\$111	\$3,076
		\$0	\$0	\$0	\$63	\$91	\$55	\$78	\$75	\$73	\$2,529	\$2,965			
EXPENSES															
Item		Unit		Rate	Cost										
AUTO MILEAGE		200		\$0.56	\$111										
TOTAL EXPENSES					\$111										
													TOTAL LABOR COST		\$2,965
													EXPENSES		\$111
													TOTAL COST		\$3,076



City Council Staff Report

Subject: UDOT Public Information Support
Services Agreement for Deer Valley Drive Construction
Author: Matthew Cassel, P.E., City Engineer
Department: Engineering
Date: March 21, 2013
Type of Item: Administrative

Summary Recommendations:

The Council should authorize the Interim City Manager to sign the UDOT Consultant Services Agreement with V-I-A Consulting to provide Public Information support services related to the construction of Deer Valley Drive in the amount of \$38,459.

Topic/Description:

Through the Small Urban Fund program, Park City was granted \$1,000,000 to be used for improvements to Deer Valley Drive. The Small Urban Fund program is a Federal road funding program and is administered by Utah Department of Transportation (UDOT). Park City is considered a small urban community and thus qualifies for these funds. This contract with V-I-A Consulting provides our team with the public involvement support/outreach role on the project during construction. The contract is not attached because it is currently going through the UDOT approval process.

Four contracts will be created for the reconstruction of Deer Valley Drive. These contracts include:

1. Construction Engineering Management (CEM) contract,
2. Public Information contract,
3. Change Order Review contract, and
4. Construction contract

Contracts 1- 3 are before Council tonight seeking approval. The actual construction contract is anticipated to be on the April 11 City Council agenda for approval.

Background:

Park City was awarded \$1,000,000 in Small Urban Fund grant money in 2009 for the reconstruction of Bonanza Drive. Additionally, Park City has been awarded an additional \$1,000,000 in Small Urban Fund grant money for the future reconstruction of Prospector Avenue in 2017. This grant money does have a matching requirement. Park City is responsible to provide matching funds in the amount of 7.2% of the total Federal grant. In these cases Park City is required to provide \$72,616 in matching funds. In these cases Park City is required to provide \$72,616 in matching funds for every \$1,000,000 granted

The original grant application to the Small Urban Fund program was made and Park City was awarded the grant money prior to 2008. This original grant did not have a scope of work which defined how the money was going to be used. In 2010, Park City was requested by UDOT to further define the project. This updated application was submitted and included modifications to the existing round-about and pedestrian lighting from the existing round-about to the intersection of Deer Valley Drive and Deer Valley Drive North.

During the September 13, 2012 Council meeting, Council approved a contract with Stanley Consultants for the design of Deer Valley Drive. During the December 20, 2012 Council meeting, Council approved the contract with Geneva Rock for Construction Management/General Contractor (CM/GC) services during the design phase of this project. Finally, during the December 20, 2012 Council meeting, Council also approved the contract with Stanton Constructability Services for independent construction estimator (ICE) services also during the design phase of this project.

Concurrently with this request, a contract is being considered by Council for the construction engineering management contract and a contract is being considered to provide change order review on this project.

Analysis:

The Deer Valley Drive design will include repair and lining of the existing collapsed storm drain, replacement of sections of the gas line (work and design to be performed by Questar Gas), replacement of the existing distribution water line, pedestrian modifications at the round-about, left turn lane at the intersection of Deer Valley Drive and Deer Valley Drive North, bus pullouts, speed limit feedback signs, pedestrian lighting from the round-about to the intersection of Deer Valley Drive and Deer Valley Drive North, updated signage and road resurfacing.

The Public Involvement consultant is hired separately through UDOT. The purpose of the public involvement consultant is to provide construction over sight during the construction of Deer Valley Drive. The important functions of the CEM include making sure the contractor is installing the elements of the project correctly, verifying that federal requirements are met and to making sure the City's issues and concerns are satisfactorily addressed.

Because this project will be administered by UDOT, the Public Involvement consultant was selected using UDOT's existing consultant pool (This pool is operates similar to the State Contract where Park City is allowed to purchase items directly). Staff chose to go with VIA Consulting because they provided the public outreach during the design phase of the project and have developed an excellent relationship with the residents and Deer Valley Resort. This relationship is important as we start into the construction phase of the project.

Because their overhead rate was established through their inclusion in the UDOT consultant pool, the scope of services and hours to complete the work were negotiated with V-I-A Consulting.

This contract being considered will end when the construction is completed and the project is closed out.

The design of Deer Valley Drive is currently 90% complete with 100% completion by mid-March 2013. With the design completed by mid-March the construction should still be able to commence by late April to take full advantage of the spring shoulder season.

The Council has approved funding for this project as follows:

Capital Project cp0176 (Deer Valley Drive Reconstruction) contains \$648,105 for the project and Capital Project cp0256 (Storm Water Improvements) contains \$46,480 for the project. Additional monies in the amount of \$1,000,000 have been encumbered through UDOT's STP Small Urban Funds Program. The Water Department will provide funding for the water improvements from water service fees and is part of the proposed FY2013/2014 CIP under Water Department's annual budgeted Asset Management/Replacement Program.

In recent conversations with UDOT representatives and at this time, it does not appear that the Federal money for this project is exposed to the fiscal cliff issue.

Department Review:

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

Alternatives:

A. Approve the Request:

This is the staff's recommendation.

B. Deny the Request:

Denying the request will not allow staff to begin our dissemination of information out to the public so they are ready for the construction phase of the project.

C. Continue the Item:

If the Council needs more information the item can be continued, but this would cause a delay in staff disseminating information out to the public in preparation for the start of construction.

D. Do Nothing:

This option would have the same effect as denying the request.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Accessibility during peak seasonal times + Safe community that is walkable and bike-able			+ Well-maintained assets infrastructure
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Positive 	Neutral 	Neutral 	Positive 
Comments:				

The construction of Deer Valley Drive will heavily impact the adjacent homeowners and access to the Solamere neighborhood and Deer Valley Resort, especially because staff believes the road will need to be closed for certain periods of time. These impacts were addressed through the use of the Construction Management/General Contractor (CM/GC) construction contract. With the contractor on board, we worked directly with them to determine which activities will affect the ability to keep the road open and solutions to these impactful activities.

A public meeting was held on February 19 to gather neighborhood issues and concerns. Another public meeting will be held later in April as our team prepares to start construction. Additionally, staff has met with Deer Valley on a monthly basis to share summer programming information and to collaborate on common goals. The needs of Deer Valley Resort are being incorporated into the contract documents.

Consequences of not taking the recommended action:

Deer Valley Drive is an important transportation link for the City. This project will help to make this transportation corridor more efficient using the existing pavement width. Not commencing with the Public Information support contract will not allow our team to adequately reach out to the public and provide them with the information necessary to be ready for the start of construction on the project.

Recommendation:

The Council should authorize the Interim City Manager to sign the UDOT Consultant Services Agreement with V-I-A Consulting to provide Public Information support services related to the construction of Deer Valley Drive in the amount of \$38,459.

Exhibit A – Deer Valley Drive Public Involvement Support Scope of Work and Fee

Deer Valley Drive

Public Involvement Coordination during Construction

PROJECT TASKS		Kim Clark \$55	Admin \$20
<i>DEVELOP OUTREACH STRATEGY</i>			
	Update PI outreach plan	1	2
<i>COORDINATE WITH PROJECT TEAM</i>			
	Attend Construction Coordination Meetings (Assume weekly meetings for 6 months)	30	24
	Attend other misc. meetings	12	
	Coordinate with other projects in the area	6	
<i>COORDINATE WITH COMMUNITY GROUPS</i>			
	meetings)	12	2
	Coordinate with Deer Valley - weekly basis	24	2
	concerns	24	12
<i>COORDINATE WITH VARIOUS NEW OUTLETS</i>			
	Coordinate by Providing Weekly Updates to the community	24	8
	Provide updates for the Park City Web Site - assume on a weekly basis and similar to email updates	12	6
	Coordinate with the Park Record and city outreach materials	15	
	Develop Information Sheets regarding impacts - assume 3	9	3
<i>RESPOND TO STAKEHOLDER CONCERNS</i>			
	Respond to general stakeholder concerns via phone and email.	36	12
	attend necessary meetings to resolve issues	24	12
Design Hours		229.0	83.0
Rate		\$55.00	\$20.00

Direct Labor
 VIA Overhead
 VIA Fixed Fee
 Total
 Direct Costs Copies (.49*1000)

	\$14,255.00
142.14%	\$20,262.06
10%	\$3,451.71
	\$37,968.76
	\$490.00

Grand Total

\$38,458.76



City Council Staff Report

Subject: UDOT Services Agreement to Provide
Change Order Review for the Deer Valley Drive Construction

Author: Matthew Cassel, P.E., City Engineer

Department: Engineering

Date: March 21, 2013

Type of Item: Administrative

Summary Recommendations:

The Council should authorize the Interim City Manager to sign the UDOT Consultant Services Agreement with WCEC Engineers to provide Change Order Review support services related to the construction of Deer Valley Drive in the amount of \$45,000.

Topic/Description:

Through the Small Urban Fund program, Park City was granted \$1,000,000 to be used for improvements to Deer Valley Drive. The Small Urban Fund program is a Federal road funding program and is administered by Utah Department of Transportation (UDOT). Park City is considered a small urban community and thus qualifies for these funds. This contract with WCEC provides our team with a third party reviewer of all change orders requested by the contractor during the construction phase of the project. The contract is not attached because it is currently going through the UDOT approval process.

Four contracts will be created for the reconstruction of Deer Valley Drive. These contracts include:

1. Construction Engineering Management (CEM) contract,
2. Public Information contract,
3. Change Order Review contract, and
4. Construction contract

Contracts 1- 3 are before Council tonight seeking approval. The actual construction contract is anticipated to be on the April 11 City Council agenda for approval.

Background:

Park City was awarded \$1,000,000 in Small Urban Fund grant money in 2009 for the reconstruction of Bonanza Drive. Additionally, Park City has been awarded an additional \$1,000,000 in Small Urban Fund grant money for the future reconstruction of Prospector Avenue in 2017. This grant money does have a matching requirement. Park City is responsible to provide matching funds in the amount of 7.2% of the total Federal grant. In these cases Park City is required to provide \$72,616 in matching funds for every \$1,000,000 granted.

The original grant application to the Small Urban Fund program was made and Park City was awarded the grant money prior to 2008. This original grant did not have a scope of work which defined how the money was going to be used. In 2010, Park City was requested by UDOT to further define the project. This updated application was submitted and included modifications to the existing round-about and pedestrian lighting from the existing round-about to the intersection of Deer Valley Drive and Deer Valley Drive North.

During the September 13, 2012 Council meeting, Council approved a contract with Stanley Consultants for the design of Deer Valley Drive. During the December 20, 2012 Council meeting, Council approved the contract with Geneva Rock for Construction Management/General Contractor (CM/GC) services during the design phase of this project. Finally, during the December 20, 2012 Council meeting, Council also approved the contract with Stanton Constructability Services for independent construction estimator (ICE) services also during the design phase of this project.

Concurrently with this request, a contract is being considered by Council for the construction engineering management contract and a contract is being considered to provide public information/outreach support services on this project.

Analysis:

The Deer Valley Drive design will include repair and lining of the existing collapsed storm drain, replacement of sections of the gas line (work and design to be performed by Questar Gas), replacement of the existing distribution water line, pedestrian modifications at the round-about, left turn lane at the intersection of Deer Valley Drive and Deer Valley Drive North, bus pullouts, speed limit feedback signs, pedestrian lighting from the round-about to the intersection of Deer Valley Drive and Deer Valley Drive North, updated signage and road resurfacing.

The Public Involvement consultant is hired separately through UDOT. The purpose of the public involvement consultant is to provide construction oversight during the construction of Deer Valley Drive. The important functions of this contract are to provide quality assurance review of all change orders to ensure they are appropriate and they meet federal guidelines.

Because this project will be administered by UDOT, the change order review consultant was selected using UDOT's existing consultant pool. (This pool operates similar to the State Contract where Park City is allowed to purchase items directly). Staff chose to go with WCEC based on the recommendation of UDOT. UDOT recommended WCEC because they are constantly used on many other UDOT projects and have a proven track record.

Because their overhead rate was established through their inclusion in the UDOT consultant pool, staff negotiated the scope of services and hours to complete the work with WCEC.

This contract being considered will end when the construction is completed and the project is closed out. This is not a lump sum contract, so the fewer change orders needing to be processed will result in the City not having to spend this money.

The design of Deer Valley Drive is currently 90% complete with 100% completion by mid-March 2013. With the design completed by mid-March the construction should still be able to commence by late April to take full advantage of the spring shoulder season.

The Council has approved funding for this project as follows:

Capital Project cp0176 (Deer Valley Drive Reconstruction) contains \$648,105 for the project and Capital Project cp0256 (Storm Water Improvements) contains \$46,480 for the project. Additional monies in the amount of \$1,000,000 have been encumbered through UDOT's STP Small Urban Funds Program. The Water Department will provide funding for the water improvements from water service fees and is part of the proposed FY2013/2014 CIP under Water Department's annual budgeted Asset Management/Replacement Program.

In recent conversations with UDOT representatives and at this time, it does not appear that the Federal money for this project is exposed to the fiscal cliff issue.

Department Review:

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

Alternatives:

A. Approve the Request:

This is the staff's recommendation.

B. Deny the Request:

Denying the request will not allow UDOT to finalize the contract to provide a third party review of change orders submitted by the contractor.

C. Continue the Item:

If the Council needs more information the item can be continued, but this could cause a delay in finalizing the contract to provide third party review of changed orders submitted by the contractor.

D. Do Nothing:

This option would have the same effect as denying the request.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Accessibility during peak seasonal times + Safe community that is walkable and bike-able			+ Well-maintained assets ▾ infrastructure
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Positive 	Neutral 	Neutral 	Positive 
Comments:				

The construction of Deer Valley Drive will heavily impact the adjacent homeowners and access to the Solamere neighborhood and Deer Valley Resort, especially because staff believes the road will need to be closed for certain periods of time. These impacts were addressed through the use of the Construction Management/General Contractor (CM/GC) construction contract. With the contractor on board, we worked directly with them to determine which activities will affect the ability to keep the road open and solutions to these impactful activities.

A public meeting was held on February 19 to gather neighborhood issues and concerns. Another public meeting will be held later in April as our team prepares to start construction. Additionally, staff has met with Deer Valley on a monthly basis to share summer programming information and to collaborate on common goals. The needs of Deer Valley Resort are being incorporated into the contract documents.

Consequences of not taking the recommended action:

Deer Valley Drive is an important transportation link for the City. This project will help to make this transportation corridor more efficient using the existing pavement width. Not commencing with the Change Order Review contract will not allow our team to adequately evaluate contractor submitted change orders during construction.

Recommendation:

The Council should authorize the Interim City Manager to sign the UDOT Consultant Services Agreement with WCEC Engineers to provide Change Order Review support services related to the construction of Deer Valley Drive in the amount of \$45,000.



City Council Staff Report

Subject: 315 Park Avenue Subdivision- plat amendment
Author: Kirsten Whetstone, Senior Planner
Date: March 21, 2013
Type of Item: Administrative – Plat Amendment
Project Number: PL-12-01728

Summary Recommendations

Staff recommends the City Council hold a public hearing for the 315 Park Avenue Subdivision plat amendment and consider approving the plat amendment based on the findings of fact, conclusions of law, and conditions of approval as found in the attached amended ordinance.

Description

Applicant: Thayne's Capital Park City LLC (Damon Navarro)
Location: 315 Park Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential single family and condominiums
Reason for Review: Plat amendments require Planning Commission review and City Council approval

Proposal

The applicant is requesting a plat amendment (Exhibit A) for the purpose of reconfiguring Lots A, B, and C of the 315 Park Avenue Subdivision. The 315 Park Avenue Subdivision is a three lot subdivision combining Lots 4, 5, 6, 27, 28, 29 Block 3 of the Park City Survey and platting them into three lots of record. The 315 Park Avenue Subdivision was approved by City Council on March 16th, 2006 and extended on June 28th, 2007 and finally recorded at Summit County on September 24th, 2007. The property is vacant (Exhibits B and C). The applicant wishes to reconfigure these three lots into three lots that are more equal in size for three future single family houses, reducing the potential density from 4 units to 3 units and a reduction in potential parking required from 8 spaces to 6 spaces due to a reduction in the lot area of Lot C so that a duplex would not be allowed on any of the proposed amended lots (Exhibit D).

The applicant has agreed to restrictions on construction on the rear (10' by 22.5') portion of Lot B, provided that landscaping and fencing are permitted per the LMC. The main house could not be constructed within this area regardless of additional plat restrictions due to required rear setbacks for main structures. However the applicants have agreed to a plat note stating that no accessory structure shall be constructed within the said rear area of Lot B (Exhibit J).

Background

The property consists of three lots of record, namely Lots A, B, and C. These lots are currently vacant and undeveloped with the exception of low rock walls, railroad tie and concrete retaining walls, as well as a shed, a “sliver” of which encroaches on these lots from an adjacent lot(s).

The lots were created during the plat amendment approval for the 315 Park Avenue Subdivision, being a replat of Lots 4, 5, 6, 27, 28, and 29, Block 3 of the Park City Survey. Lots B and C have frontage on Woodside Avenue and Lot A has frontage on Park Avenue. The 315 Park Avenue Subdivision was approved by the City Council on March 16th, 2006, extended on June 28th, 2007 and recorded at Summit County on September 24th, 2007 (Exhibits E and F).

Currently Lot A contains 3,037.5 square feet, Lot B contains 1,875 square feet, and Lot C contains 3,750 square feet. Lots A and B are of sufficient lot area for a single family house. Lot C has sufficient lot area for a duplex. A duplex requires a Conditional Use permit and single family homes are an allowed use in the HR-1 zone.

A house previously stood at 315 Park Avenue which was constructed across the underlying Park City Survey lot lines. On May 7, 2007, the house was determined by the Historic Preservation Board to be a non-historically significant structure (Exhibit G). On June 6, 2007 a demolition permit was issued and the structure was removed.

On November 27, 2012, the owner submitted an application for a plat amendment to reconfigure the property lines for the three existing lots. The application was deemed complete on January 2, 2013.

On February 13, 2013, the Planning Commission conducted a public hearing and voted unanimously to forward a positive recommendation to the City Council with amendments to findings of fact numbers 23 and 26. The findings were amended to contain the language “potential” density and “potential” parking requirements and to add language regarding the possible increase in setback requirements at the time of the Steep Slope Conditional Use Permit (CUP) review. There was public input provided regarding the desire to have larger setbacks to provide for additional open space in the neighborhood. Staff explained that setbacks in the HR-1 zone are based on the lot dimensions per the Land Management Code, and concurred that the Planning Commission may increase setbacks during the Steep Slope CUP review process according to criteria spelled out in greater detail in LMC Section 15-2.2-6 (B) (7). The Planning Commission’s amended findings have been provided in the attached Ordinance (Exhibit I).

On February 28th the City Council conducted a public hearing and voted to continue the item to March 20th to allow staff to contact the applicant regarding the issue of construction of an accessory structure on the rear portion of Lot B that could possibly impact the historic structure located on the adjacent lot to the east.

Analysis

The current application is a request to reconfigure three existing lots into three lots that are more equal in size. The request is to create Lot A amended to contain 2,812.5 sf, Lot B amended to contain 3,037.5 sf, and Lot C amended to contain 2,812.5 sf. All three amended lots are of sufficient lot area for a single family house in the HR-1 zone. The zone requires a minimum lot area of 1,875 square feet. All lots meet this minimum lot size.

No changes are proposed to the access and frontage with amended Lots B and C fronting onto Woodside Avenue and amended Lot A fronting onto Park Avenue. There is a reduction in the both the potential density and the potential parking required to be provided as the previous plat allowed one lot to be a duplex. Potential density of the existing configuration is 4 dwelling units and potential density with the re-plat is 3 dwelling units. Required parking for 4 dwelling units is 8 spaces and 6 spaces for 3 units.

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

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

Existing Lots - Requirements

- Lot Size: Lot A - 3037.5 sf, Lot B - 1,875 sf, Lot C 3,750 sf
- Max Footprint: Lot A - 1,280.46 sf
Lot B - 844 sf
Lot C - 1,519 sf
- Minimum Setbacks: Lot A - Front/Rear- 10' Side- 3'
Lot B - Front/Rear- 10' Side- 3'
Lot C - Front/Rear- 10' Side- 5'
- Maximum Height: All lots - 27 feet

Re-platted Lots- Requirements

- Lot Size: Lot A amended - 2,812.5 sf, Lot B amended- 3,037.5 sf,
Lot C amended - 2,812.5 sf
- Max Footprint: Lot A amended - 1,200.66 sf
Lot B amended - 1,280.46 sf

Lot C amended - 1,200.66 sf

- Minimum Setbacks: Lot A amended Front/Rear - 10' Side - 3'
Lot B amended Front/Rear - 10' Side - 3'
Lot C amended Front/Rear - 10' Side - 3'
- Maximum Height: All lots - 27 feet

The proposed plat amendment does not create any new non-conforming situations as the lots are vacant. There are existing encroachments onto the lots that will need to be resolved prior to recordation of the plat, as they were not previously addressed by the subdivision plat in 2006. There are low rock walls from adjacent Lot 30 onto Lot C, as well as a concrete retaining wall across the frontage of Woodside Avenue onto adjacent Lot 30 from amended Lot C. There are also railroad tie retaining walls and a sliver of a shed from adjacent Lot 6 onto amended Lot A. There are low rock walls on amended Lot B that do not encroach onto adjacent lots and do not required resolution. These encroachments are addressed in the conditions of approval to be resolved prior to recordation of the plat by either removing the encroachment or recording easements for them.

At the February 28th meeting there was public input suggesting that the lot line between Lots B and C be shifted in order to increase the required side yard setbacks. Staff has reviewed this suggestion and finds that the proposed 6" off-set of property lines could be awkward and lead to confusion between adjacent neighbors. The applicant is not in support of this change. Staff finds that there are opportunities to ensure adequate separation between structures through both the Historic District Design Review and the Steep Slope Conditional Use Permit review during review of actual building plans. This issue was also raised at the Planning Commission meeting and the Planning Commission added language to the findings to emphasize that these setbacks could be increased as part of the review of a specific house design during the Steep Slope CUP review per specific criteria listed in LMC Section 15-2.2-6 (B) (7). The Planning Commission's amended findings are included in the attached Ordinance (Exhibit I).

Good Cause

Planning Staff finds that there is good cause for this plat amendment as it reconfigures the existing platted lots to create property boundaries preferred by the applicant, resolves encroachment issues, reduces the density from a potential of four units to three units, reduces the potential parking requirement from eight off-street spaces to six off-street spaces, and secures public snow storage easements across the frontage of the proposed lots. The plat amendment resolves encroachment issues by requiring removal of or easements for the existing encroachments. Staff finds that the plat will not cause undo harm to adjacent property owners and all requirements of the Land Management Code for any future development shall be met.

Process

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures in LMC 1-18. Prior to issuance of a building permit for the amended Lots, approval of a Historic District Design Review application and approval of a Building Permit is required for each lot. Lot C contains areas of slope that

are 30% or greater and if development is proposed in these areas then a Steep Slope Conditional Use permit is required prior to issuance of a building permit.

Department Review

This project has gone through an interdepartmental review. There were no issues raised by any of the departments regarding this proposal that have not been addressed by the conditions of approval.

Notice

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

Public Input

Public input regarding increased setbacks was received at the Planning Commission hearing, as described above. Public input was presented at the February 28th meeting suggesting that the lots be reconfigured in order to increase the side setbacks and hence increase the separation between the future houses on Lots B and C, as described above.

Alternatives

- The City Council may approve the First Amended 315 Park Avenue Subdivision as conditioned; or
- The City Council may deny the First Amended 315 Park Avenue Subdivision and direct staff to make Findings for this decision; or
- The City Council may modify the First Amended 315 Park Avenue Subdivision; or
- The City Council may continue the item to a date certain and provide direction to the applicant and/or staff to provide additional information necessary to make a final decision.
- The “take no action” alternative is not an option for administrative plat amendments.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The proposed plat amendment could not be recorded. Development could be proposed on the three existing lots, including Lot C which could be built with a duplex, subject to a conditional use permit, Historic District Design Review, and if development is proposed on a slope of 30% or greater, a Steep Slope Conditional Use permit application is also required.

Recommendation

Staff recommends the City Council hold a public hearing for the 315 Park Avenue Subdivision plat amendment and consider approving the plat amendment based on the

findings of fact, conclusions of law, and conditions of approval as found in the attached amended ordinance.

Exhibits

Ordinance

Exhibit A- Plat

Exhibit B- Existing conditions site plan

Exhibit C- Aerial photo/vicinity Map

Exhibit D- Applicant letter and authorization

Exhibit E- Existing Recorded Plat

Exhibit F- Previous staff reports and published Ordinances

Exhibit G- HPB Action letter- Determination of Insignificance

Exhibit H- Photos

Exhibit I- Planning Commission minutes

Exhibit J- Applicant letter regarding construction restriction on rear of Lot 8

Amended Ordinance No. 13-

**AN ORDINANCE APPROVING THE FIRST AMENDED 315 PARK AVENUE
SUBDIVISION, PARK CITY, UTAH**

WHEREAS, the owner of property located at 315 Park Avenue petitioned the City Council for approval of the First Amended 315 Park Avenue Subdivision; and

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

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

WHEREAS, the Planning Commission held a public hearing on February 13, 2013 to receive input on the 315 Park Avenue Subdivision plat amendment;

WHEREAS, the Planning Commission, on February 13, 2013, forwarded a positive recommendation to the City Council;

WHEREAS, the City Council held public hearings on February 28th and March 21st, 2013; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 315 Park Avenue Subdivision plat amendment to reconfigure the existing platted lots, to resolve encroachment issues, reduce the potential density from a potential of four units to three units, reduce the potential parking requirement from eight off-street spaces to six off-street spaces, and to secure public snow storage easements across the frontage of the proposed lots.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The First Amended 315 Park Avenue Subdivision 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 315 Park Avenue and consists of three lots of record, namely Lots A, B, and C of the 315 Park Avenue Subdivision.
2. The property is located within the Historic Residential (HR-1) zoning district.
3. The lots are currently vacant and undeveloped with the exception of low rock walls, railroad tie and concrete retaining walls, and a sliver of a shed encroaching on these lots from adjacent lots.
4. Constructed across the underlying Park City Survey lot lines, a house previously stood at 315 Park Avenue.

5. On May 7, 2007, the house was determined by the Historic Preservation Board to be a non-historically significant structure.
6. On June 6, 2007 a demolition permit was issued and the structure was removed. The house was not listed on the Park City Historic Sites Inventory.
7. The existing lots were created during the plat amendment approval for 315 Park Avenue Subdivision, being a replat of Lots 4, 5, 6, 27, 28, and 29, Block 3 of the Park City Survey.
8. Lots B and C have frontage on Woodside Avenue and Lot A has frontage on Park Avenue.
9. Existing Lot A contains 3,037.5 square feet, Lot B contains 1,875 square feet, and Lot C contains 3,750 square feet. Existing Lots A and B are of sufficient lot area for a single family house. Existing Lot C has sufficient lot area for a duplex.
10. A duplex requires a Conditional Use permit and single family homes are an allowed use in the HR-1 zone.
11. The 315 Park Avenue Subdivision was approved by the City Council on March 16th, 2006, extended on June 28th, 2007 and recorded at Summit County on September 24th, 2007.
12. On November 27, 2012 the owner submitted an application for a plat amendment to reconfigure the property lines for the three existing lots.
13. The application was deemed complete on January 2, 2013.
14. The application is a request to reconfigure the three existing Lots A, B, and C into three lots that are more equal in size and have more uniform property boundaries. The request is to create Lot A amended to contain 2,812.5 sf, Lot B amended to contain 3,037.5 sf, and Lot C amended to contain 2,812.5 sf.
15. All three amended lots are of sufficient lot area for a single family house in the HR-1 zone and no lot is of sufficient lot area for a duplex.
16. The HR-1 zone requires a minimum lot area of 1,875 square feet. All lots meet this minimum lot size.
17. No changes are proposed to the access with amended Lots B and C having access and fronting onto Woodside Avenue and amended Lot A having access and fronting onto Park Avenue.
18. There is a reduction in the both the potential density and the potential parking required to be provided as the existing plat allowed one of the lots to be a duplex, due to the size of the lot. Potential density of the existing plat is 4 dwelling units and potential density with the re-plat is 3 dwelling units. The off-street parking requirement for 4 dwelling units is 8 spaces and for 3 units it is 6 spaces.
19. The lots are subject to the Park City Design Guidelines for Historic Districts and Historic Sites.
20. The proposed plat amendment does not create any new non-conforming situations as the lots are vacant.
21. There are existing encroachments onto the proposed lots that will need to be resolved prior to recordation of the plat. There are rock walls from adjacent Lot 30 onto Lot C, as well as a concrete retaining wall across the frontage of Woodside Avenue onto adjacent Lot 30 from amended Lot C. There are also railroad tie retaining walls and a sliver of a shed from adjacent Lot 6 onto amended Lot A. There are low rock walls on amended Lot B that do not encroach onto adjacent lots and do not required resolution.

22. The maximum building footprint allowed for amended Lots A and C is 1,200.66 square feet per the HR-1 LMC requirements and the maximum building footprint allowed for amended Lot B is 1,280.46 sf. Setbacks may be increased during the Steep Slope CUP review per LMC Section 15-2.2-6(B) (7).
23. The plat amendment secures public snow storage easements across the frontage of the lots.
24. Location of the sewer main may require a privately owned and maintained wastewater ejector pump for wastewater services, with final determination to be made at the time of the building permit application.
25. There is good cause to reconfigure the existing platted lots to create property boundaries preferred by the applicant, to resolve encroachment issues, reduce the potential density from four units to three units, reduce the potential parking requirement from eight off-street spaces to six off-street spaces, and secure public snow storage easements across the frontage of the proposed lots.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Approval of an HDDR application is a condition precedent to issuance of a building permit for construction on the lots.
4. Approval of a Steep Slope Conditional Use Permit application is a condition precedent to issuance of a building permit for construction on all three Lots, if the proposed development, including access, is proposed to be located on areas of 30% or greater slope and if the proposed house is greater than 1000 square feet, including any garage. Setbacks may be increased during the Steep Slope CUP review per criteria outlined in LMC Section 15-2.2-6(B) (7).
5. Modified 13-D sprinklers will be required for new construction as required by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final plat prior to recordation.
6. A 10 foot wide public snow storage easement is required along the frontage of the lots with Park Avenue and Woodside Avenue and shall be shown on the plat.

7. Encroachments across property lines must be addressed prior to plat recordation and shall either removed or encroachment easements shall be provided.
8. The Snyderville Basin Water Reclamation District requests that a note shall be added to the plat prior to recordation of the final mylar stating the following, "Lots B and C may require a privately owned and operated wastewater ejector pump for wastewater services". As a condition precedent to plat recordation the SBWRD shall review and sign the plat.
9. As stipulated by the applicant, a plat note shall be added prior to recordation of the final plat indicating that the 10' by 22.50' area at the rear of Lot B shall be restricted to landscaping and fencing as permitted by the LMC and that construction of an accessory structure on this portion of Lot B shall not be permitted.

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

PASSED AND ADOPTED this ____ day of March, 2013.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

315 Park Avenue Subdivision Amended

A replat of Lots A, B & C
Block 3, Park City Survey

NARRATIVE

1. Survey requested by: Thaynes Capital Park City L.L.C.
2. Basis of survey: found street monuments as shown.
3. Date of survey: September, 2012.
4. Property monuments set or found as shown.
5. Located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
6. The owners of the property should be aware of any items affecting the property that may appear in a title insurance report.
7. Based on the previous Plat of 315 Park Avenue Subdivision recorded as Entry No. 826141 in the office of the Summit County Recorder.

SURVEYOR'S CERTIFICATE

I, J.D. Gailey, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the hereon described property and that this plat is a true representation of said survey.

Date _____ J.D. Gailey RLS#359005

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents that the undersigned is director of Thaynes Capital Park City L.L.C., a Delaware limited liability company, the owner of the hereon described 315 Park Avenue Subdivision, Block 3, Park City Survey, and having caused this Plat Amendment to be made, does hereby consent to the recordation of this Record of Survey Plat, on behalf of said Thaynes Capital Park City L.L.C., in the office of the County Recorder of Summit County, Utah, in accordance with Utah Law. Also, the owner hereby irrevocably offer for dedication to the City of Park City all the streets, land for local government uses, utilities and easements shown on the plat in accordance with an irrevocable offer of dedication. In witness whereof, the undersigned has set his hand this _____ day of _____, 2012.

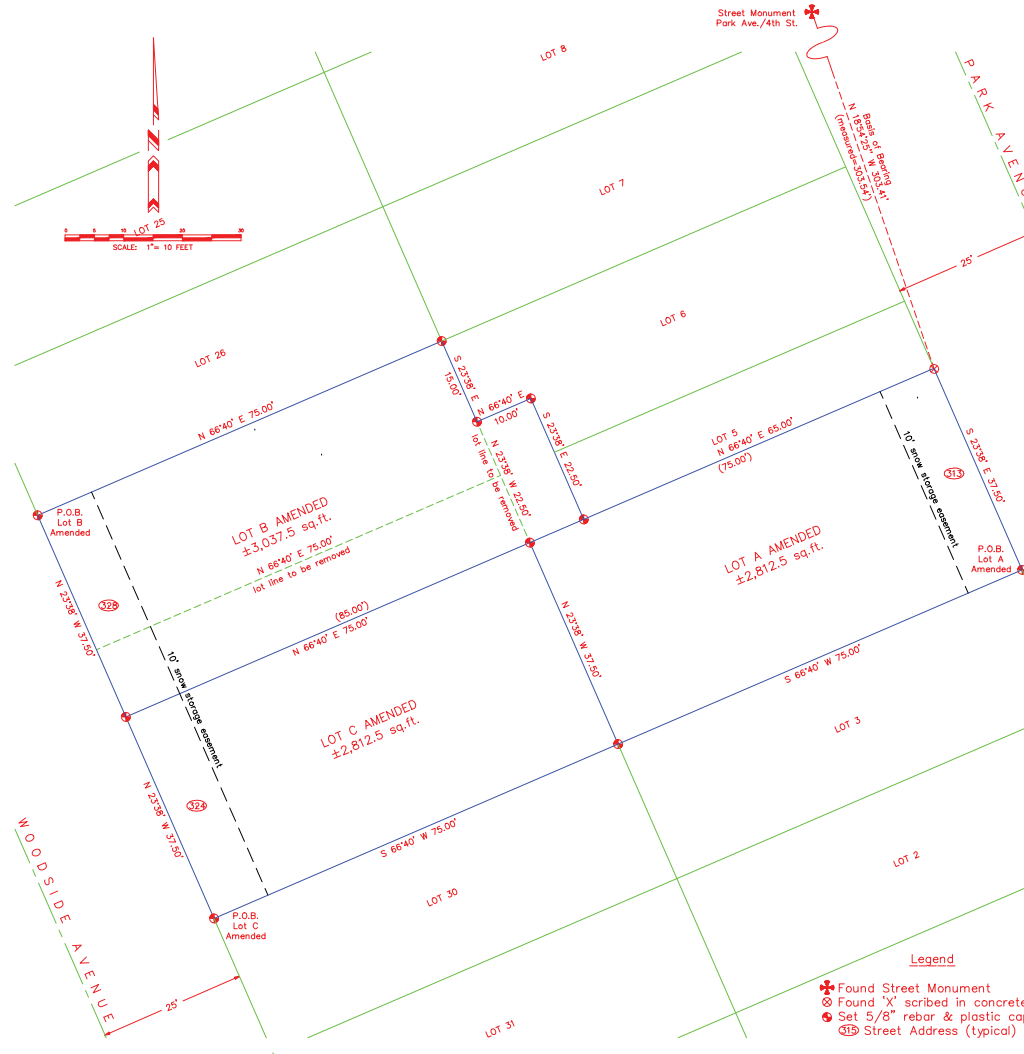
By: _____
Damon Navarro, Director
Thaynes Capital Park City L.L.C.

ACKNOWLEDGEMENT

STATE OF UTAH
County of Summit:

On this _____ day of _____, 2012, Damon Navarro personally appeared before me, the undersigned Notary Public in and for said State and County, who after being duly sworn, acknowledged to me that he is director of Thaynes Capital Park City L.L.C., that he has signed the above Owner's Dedication and Consent to Record on behalf of said Thaynes Capital Park City L.L.C., and that he has executed this document in his capacity as director on behalf of Thaynes Capital Park City L.L.C., for the purpose set forth herein.

My commission expires: _____
NOTARY PUBLIC
RESIDING IN _____ COUNTY, _____



LEGAL DESCRIPTIONS

315 Park Avenue Subdivision Amended

Beginning at the Northeasterly corner of Lot 3, Block 3, Park City Survey and the Southeasterly corner of Lot A, 315 Park Avenue Subdivision, according to the official plats thereof, on file and of record in the office of the Summit County Recorder, and running thence S 66°40' W, along the Southerly boundary of said 315 Park Avenue Subdivision, 150.00 feet to the Southwesterly corner of said 315 Park Avenue Subdivision; thence N 23°38' W, along the Westerly boundary of said 315 Park Avenue Subdivision, 75.00 feet to the Northwesterly corner of said 315 Park Avenue Subdivision; thence N 66°40' E, along the Northerly boundary of said 315 Park Avenue Subdivision, 75.00 feet to the Northeasterly corner of Lot B of said 315 Park Avenue Subdivision; thence S 23°38' E, along the Easterly boundary of said 315 Park Avenue Subdivision, 15.00 feet; thence N 66°40' E, along the Northerly boundary of said 315 Park Avenue Subdivision, 10.00 feet; thence S 23°38' E, along the Easterly boundary of said 315 Park Avenue Subdivision, 22.50 feet; thence N 66°40' E, along the Northerly boundary of said 315 Park Avenue Subdivision, 65.00 feet to the Northeasterly corner of said 315 Park Avenue Subdivision; thence S 23°38' E, along the Easterly boundary of said 315 Park Avenue Subdivision, 37.50 feet to the point of beginning; containing 8,662.6 square feet, more or less.

LOT A AMENDED

Beginning at the Northeasterly corner of Lot 3, Block 3, Park City Survey and the Southeasterly corner of Lot A, 315 Park Avenue Subdivision, according to the official plats thereof, on file and of record in the office of the Summit County Recorder, and running thence S 66°40' W, along the Southerly boundary of said 315 Park Avenue Subdivision, 75.00 feet to the Southwesterly corner of Lot A of said 315 Park Avenue Subdivision; thence N 23°38' W, 37.50 feet; thence N 66°40' E, 75.00 feet to the Northeasterly corner of said 315 Park Avenue Subdivision; thence S 23°38' E, along the Easterly boundary of said 315 Park Avenue Subdivision, 37.50 feet to the point of beginning; containing 2,812.5 square feet, more or less.

LOT B AMENDED

Beginning at the Southwesterly corner of Lot 26, Block 3, Park City Survey and the Northwesterly corner of Lot B, 315 Park Avenue Subdivision, according to the official plats thereof, on file and of record in the office of the Summit County Recorder, and running thence N 66°40' E, along the Northerly boundary of said 315 Park Avenue Subdivision, 75.00 feet to the Northeasterly corner of said Lot B, 315 Park Avenue Subdivision; thence along the boundary of said 315 Park Avenue Subdivision the following 3 courses: 1) S 23°38' E, 15.00 feet; thence 2) N 66°40' E, 10.00 feet; thence 3) S 23°38' E, 22.50 feet; thence S 66°40' W, 85.00 feet to the Westerly boundary of said 315 Park Avenue Subdivision; thence N 23°38' W, along the Westerly boundary of said 315 Park Avenue Subdivision, 37.50 feet to the point of beginning; containing 3,037.5 square feet, more or less.

LOT C AMENDED

Beginning at the Northwesterly corner of Lot 30, Block 3, Park City Survey and the Southwesterly corner of Lot C, 315 Park Avenue Subdivision, according to the official plats thereof, on file and of record in the office of the Summit County Recorder, and running thence N 23°38' W, along the Westerly boundary of said 315 Park Avenue Subdivision, 37.50 feet; thence N 66°40' E, 75.00 feet; thence S 23°38' E, 37.50 feet to the Southeasterly corner of said Lot C, 315 Park Avenue Subdivision; thence S 66°40' W, along the Southerly boundary of said 315 Park Avenue Subdivision, 75.00 feet to the point of beginning; containing 2,812.5 square feet, more or less.

Legend

- Found Street Monument
- Found 'X' scribed in concrete
- Set 5/8" rebar & plastic cap
- Street Address (typical)


Alpine Survey, Inc.
19 Prospect Drive
Park City, Utah 84060
(435) 655-8016

SNYDERVILLE BASIN
WATER RECLAMATION DISTRICT
REVISED FOR CONFORMANCE TO SNYDERVILLE BASIN
WATER RECLAMATION DISTRICT STANDARDS
ON THIS _____ DAY OF _____, 2012.
BY: _____
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

PLANNING COMMISSION
APPROVED BY THE PARK CITY
PLANNING COMMISSION THIS _____
DAY OF _____, 2012 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 _____, 2012 A.D.
BY: _____
PARK CITY ENGINEER

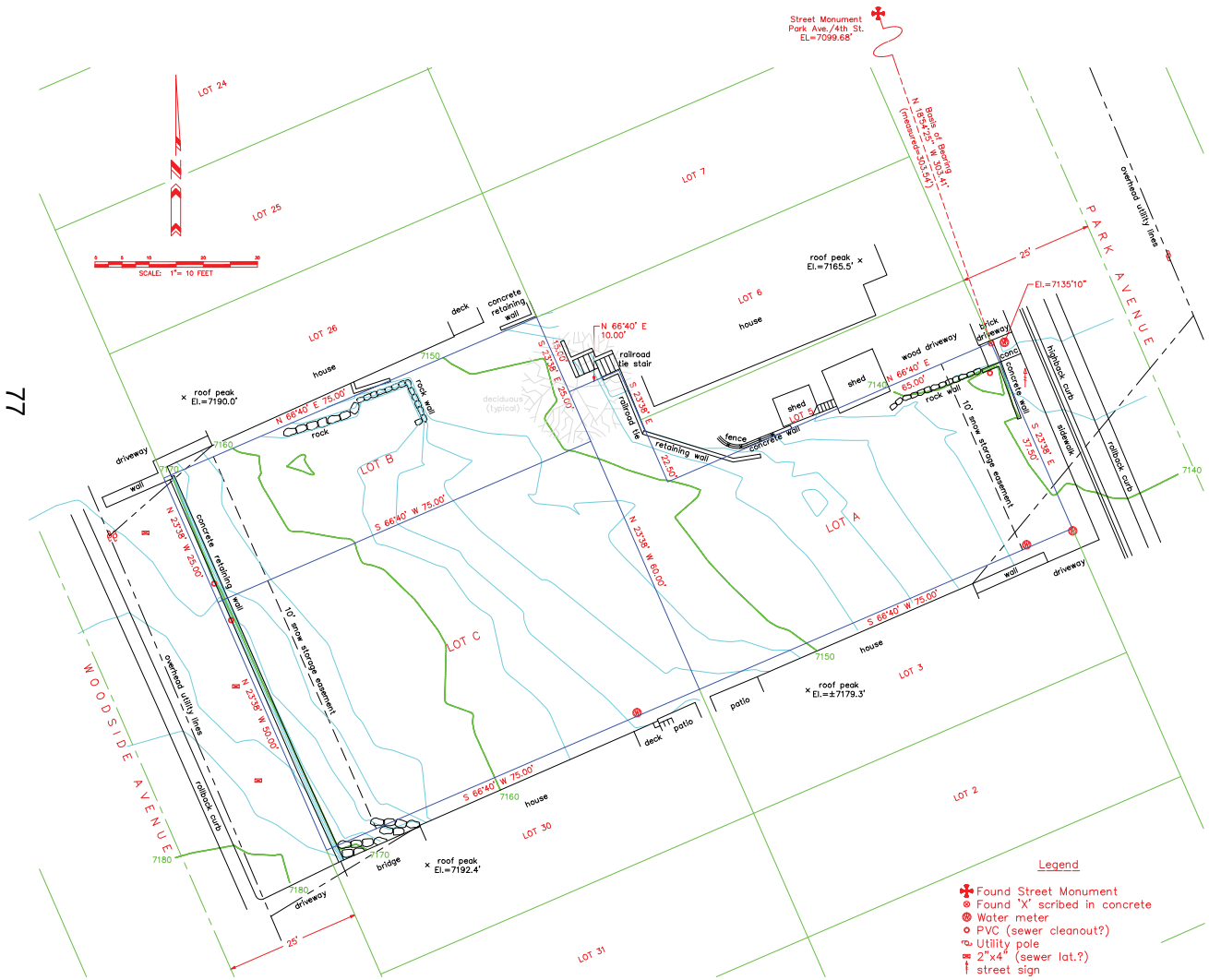
APPROVAL AS TO FORM
APPROVED AS TO FORM THIS _____
DAY OF _____, 2012 A.D.
BY: _____
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY
MAP WAS APPROVED BY PARK CITY
COUNCIL THIS _____ DAY
OF _____, 2012 A.D.
BY: _____
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY
COUNCIL THIS _____ DAY OF _____
2012 A.D.
BY: _____
MAYOR

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

315 Park Avenue Subdivision A Portion of Block 3, Park City Survey



NARRATIVE

1. Survey requested by: Damon Navarro.
2. Purpose of survey: locate the topographic relief.
3. Basis of survey: found Street Monuments as shown. Block dimensions are from the Park City Monument Control Map by Bush & Guggell, Inc. Recorded as Entry No. 199887 in the Office of the Summit County Recorder. Subdivision of Block 3 from the Map of Park City by Caldwell & Richards Engineers, traced from the original map July, 1927.
4. Date of survey: July 25, 2012; roof peaks added December 20, 2012.
5. Property monuments found as shown.
6. Located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
7. The owners of the property should be aware of any items affecting the property that may appear in a title insurance report.
8. Elevations are based on an elevation of 7099.68 feet at the Street Monument found at the intersection of Park Avenue and 4th Street, from the Park City Monument Control Map.

DEED DESCRIPTIONS

Lots A, B & C, 315 Park Avenue Subdivision, according to the official plat thereof, on file and of record in the Summit County Recorder's Office.

SURVEYOR'S CERTIFICATE

I, J.D. Gailey, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the hereon described property and that this plat is a true representation of said survey.

Date J.D. Gailey RLS#359005

- Legend**
- ✦ Found Street Monument
 - ✱ Found "x" scribed in concrete
 - ⊙ Water meter
 - ⊖ PVC (sewer cleanout?)
 - ⊙ Utility pole
 - ⊖ 2"x4" (sewer lat.?)
 - † street sign





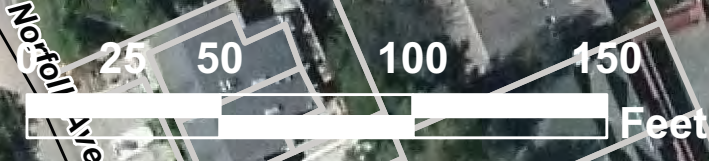
NOT TO SCALE

315 Park Avenue Plat Amendment Vicinity Map

Main Street Mall

Woodside Ave

Park Ave



Jonathan DeGray - Architect

November 27, 2012

Park City Municipal Corporation
443 Marsac Avenue
Park City, Utah 84060

Attn: Planning Department

Re: 315 Park Avenue Plat Amendment.

Dear Staff,

The 315 Park Avenue Subdivision was platted in 2007 and contains 3 lots of various sizes. Lot A contains a peninsula shaped appendage at the north/west corner. Lot B is a single lot and lot C is a double lot.

The new owners want to adjust the plat lines to maintain the 3 lots but clean up the peninsula and make lots B and C the same size. They feel these adjustments will allow for homes built on the three lots to be better designs on more uniform lot shapes.

Please let me know if you have any questions.

Sincerely,



Jonathan DeGray - Architect



614 Main Street, Suite 302
P.O. Box 1674, Park City, Utah 84060 Tel./Fax 435-649-7263
Email: degrayarch@qwestoffice.net Web: www.degrayarchitect.com

CUMMINGS & LOCKWOOD LLC

Michael J. Hinton

203.351.4492 Direct
203.351.4534 Fax
mhinton@cl-law.com
www.cl-law.com

Street Address:
Six Landmark Square
Stamford, CT 06901

Post Office Address:
P.O. Box 120
Stamford, CT 06904-0120

203.327.1700 Phone
203.351.4535 Fax

December 14, 2012

TO WHOM IT MAY CONCERN

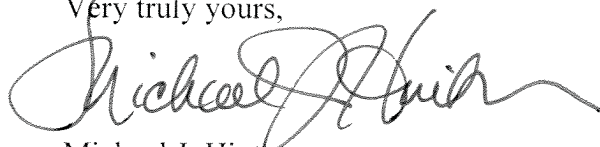
Re: Thaynes Capital LLC; Authority Issues

Dear Sir or Madam:

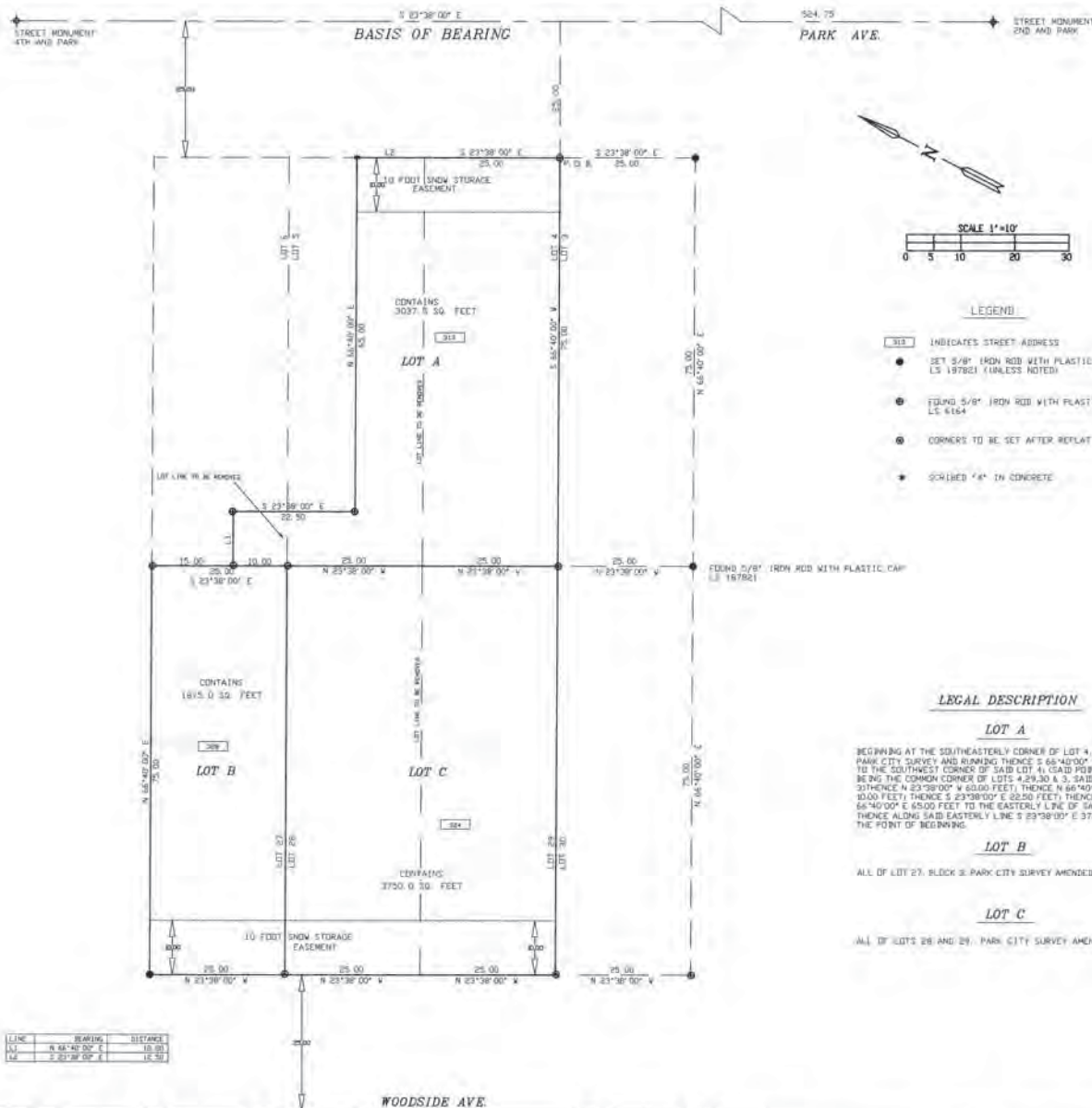
This letter confirms that I am the outside attorney responsible for forming Thaynes Capital LLC, Thaynes Capital Advisors LLC and Thaynes Capital Park City LLC, each a Delaware limited liability company. The sole manager of Thaynes Capital LLC is Thaynes Capital Advisors LLC. The sole manager of Thaynes Capital Advisors LLC is Damon Navarro. Thaynes Capital Park City LLC is a single member limited liability company and its sole member is Thaynes Capital LLC. The operating agreement of Thaynes Capital LLC, dated as of September 8, 2011, grants its manager the power and authority, acting alone and without the necessity of obtaining any additional vote or consent of the members of Thaynes Capital LLC, to take all actions, ordinary and extraordinary, on behalf of Thaynes Capital LLC. The operating agreement of Thaynes Capital Advisors LLC, effective as of September 8, 2011, also contains an identical grant of power and authority to its manager to take all actions, ordinary and extraordinary, on behalf of Thaynes Capital Advisors LLC. By virtue of being the sole manager of Thaynes Capital Advisors LLC, Damon Navarro has the power and authority to act unilaterally and unconditionally in such capacity, on behalf of each of Thaynes Capital Advisors LLC, Thaynes Capital LLC, and Thaynes Capital Park City LLC, including, without limitation, executing and delivering, on behalf of each of such three entities, all agreements, certificates, applications, notices, instruments and other documents, as he determines appropriate in his sole judgment.

Please let me know if you have any questions concerning the foregoing.

Very truly yours,



Michael J. Hinton
MJH:cc



315 PARK AVENUE SUBDIVISION
AN AMENDMENT TO LOTS 4, 5, 6, 27, 28, 29
BLOCK 3, PARK CITY SURVEY
AMENDED PLAT

LOCATED WITHIN THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN & MERIDIAN, SUMMIT COUNTY, UTAH

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents that, Silver Spur Development, LLC, owner of the herein described tract of land, to be known hereafter as the 315 PARK AVENUE SUBDIVISION, having caused this Lot Line Amendment Plat to be prepared, does hereby consent to the recording of this Record of Survey Map in accordance with Utah Law. Also, the owner, 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 in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set his hand this 12 day of 2006.

By: Peter C. Seifinger
 Silver Spur Development, a LLC.

ACKNOWLEDGEMENT

STATE OF UTAH
 County of Summit:
 On this 12 day of 2006, Peter C. Seifinger personally appeared before me, the undersigned Notary Public, in and for said State of Utah, having been duly sworn. Peter C. Seifinger acknowledged to me that he is the managing member of Silver Spur Development, LLC, and in behalf of said company for the uses and purposes stated therein and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

My commission expires: 12/12/2006 NOTARY PUBLIC

RESIDING IN 1214 COUNTY 1214

SURVEYOR'S CERTIFICATE

I, JACK HARMON, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD LICENSE NO. 17696A AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THAT THIS LOT LINE AMENDMENT PLAT WAS PREPARED UNDER MY DIRECTION IN ACCORDANCE WITH THE REQUIREMENTS OF THE PARK CITY MUNICIPAL CORPORATION. I FURTHER CERTIFY THAT THIS PLAT ACCURATELY REPRESENTS THE PROPERTY.

Jack H. Harmon 12-12-06

NARRATIVE:

SURVEY REQUESTED BY SILVER SPUR DEVELOPMENT, LLC



JACK HARMON LAND SURVEYING

725 EAST REDDEN ROAD
 PARK CITY, UTAH 84098
 (435) 842-6511

ENGINEER'S CERTIFICATE

I FINE THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 12 DAY OF AUGUST 2006 A.D. BY Peter C. Seifinger ENGINEER

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 28 DAY OF JUNE 2006 A.D. BY Donna Hill CITY CLERK

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 24 DAY OF JUNE 2007 BY B. P. Lee SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS 19 DAY OF JUNE 2007 BY Donna Hill PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL MAY OF 2006 A.D. BY Donna Hill PARK CITY RECORDS

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 12 DAY OF JUNE 2006 A.D. BY Michael CHAIRMAN

#826141

RECORDED

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

High Country Title

DATE 7-24-07 TIME 9:10 AM BOOK PAGE

RECORDED BY Donna Hill

City Council Staff Report



Subject: 315 PARK AVENUE
Date: March 16, 2006
Type of Item: Subdivision

PLANNING DEPARTMENT

RECOMMENDATION: Staff recommends that the City Council review the proposed plat amendment, conduct a public hearing and approve it according to the findings of fact, conclusions of law and conditions of approval outlined in the attached ordinance.

DESCRIPTION

Project Name: 315 Park Avenue
Project Planner: Ray Milliner
Applicant: Monique Abbott
Zone: Historic Residential (HR-1)

BACKGROUND

The applicant is the owner of Lots 4, 27, 28, 29 and portions of Lots 5 and 6 of Block 3, of the Park City survey. On December 7, 2005 the City received an application to combine Lot 4 and portions of 5 and 6 into one lot of record, and to combine Lots 28 and 29 into one lot of record (No changes are proposed to Lot 27). In addition to the historic home, there is an accessory building on the site that straddles the lot line between Proposed Lots B and C. This application was reviewed by the Planning Commission on March 1, 2006 and forwarded to the City Council with a positive recommendation.

ANALYSIS

The property is located in the Historic Residential (HR-1) zone. If approved, the property will have three lots of record, one for an existing historic single family home and two for future development. Proposed Lot A would have frontage onto Park Avenue and Proposed Lots B and C would have frontage onto Woodside Avenue. Lot A, would consist of 3,162 square feet, Lot B 1,875 square feet and Lot C 3,750 square feet. The minimum lot requirement for a lot in the HRL zone is 1,875 square feet. In order to respect the newly created lot lines and comply with the applicable HR-1 setbacks, the historic structures will need to be moved from their current locations, to become code compliant in their final locations. Staff is proposing that the Commission approve conditions of approval stating that the buildings must be moved to their permanent foundations and inspected for building code compliance prior to the recordation of this plat, in order to prevent the creation of a non-complying situation on the property.

In order to facilitate sensible future development, staff is recommending that the Commission require that the applicant create a reciprocal snow shed easement between proposed Lots B and C.

NOTICE

Notice of this hearing was sent to property owners within 300' on February 1, 2006. No comments regarding this application have been received by staff at the date of this writing.

ALTERNATIVES

1. The City Council may approve the subdivision at 315 Park Avenue as conditioned or amended, or
2. The City Council may deny the subdivision at 315 Park Avenue and direct staff to make Findings for this decision, or
3. The City Council may continue the discussion on the subdivision at 315 Park Avenue.

SIGNIFICANT IMPACTS

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

DEPARTMENT REVIEW

The Planning Department has reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with the LMC and State Law prior to recording. The request was discussed at a Staff Review Meeting on January 10, 2006, where representatives from local utilities and City Staff were in attendance.

RECOMMENDATION

Staff recommends that the City Council review the proposed plat amendment, conduct a public hearing and approve it according to the findings of fact, conclusions of law and conditions of approval outlined in the attached ordinance.

EXHIBITS

Exhibit A – Proposed Ordinance

Exhibit B – Proposed Plat Amendment

City Council Staff Report



Author: Ray Milliner
Subject: 315 PARK AVENUE
Date: June 28, 2007
Type of Item: Legislative

PLANNING DEPARTMENT

Summary Recommendation: Staff recommends that the City Council Approve the request for a one year extension to the March 16, 2006 plat amendment approval for the property located at 315 Park Avenue according to the Findings of Fact, Conclusions of Law and Conditions of Approval in the attached ordinance. The new expiration date would be March 16, 2008.

TOPIC

Owners:	Monique Abbott
Location:	315 Park Avenue
Zoning:	HR-1
Adjacent Land Uses:	Historic Residential
Project Planner:	Ray Milliner

BACKGROUND

On March 16, 2006 the applicant received approval from the City Council to combine to combine Lot 4 and portions of 5 and 6 into one lot of record, and to combine Lots 28 and 29 into one lot of record. On February 12, 2007 the applicant requested in writing that the City Council approve a one year extension of the approval. The extension was requested because the applicant was working to resolve the existing structure on the property. On June 5, 2007, the Historic Preservation Board found the structure to be historically insignificant, enabling the applicant to move forward with this extension.

The property is currently vacant, and is located within the HR-1 zone. The applicant was unable to record the plat prior to the expiration of the subdivision approval and is therefore requesting that the City Council grant another one year extension to the March 16, 2006 approval.

ANALYSIS

The applicant is seeking a one year extension to an plat amendment that was granted by the City Council in 2006. The applicant is eligible for the extension because she submitted in writing a request for the extension prior to the expiration of the plat. Staff has been working with the applicant to ensure that all issues relating to the home on the property were taken care of prior to scheduling the extension hearing in front of the City Council. Section 15-1-10 (G) of the LMC requires that the applicant demonstrate that no change in circumstance has occurred since the previous approval that would result in an unmitigated impact to the community as a result of the extension. The applicant is requesting that the City Council extend the 2006 approval with a change in condition of approval number 2 that states (new language is underlined):

Prior to the recordation of the plat, the historic residence shall be either removed from the property or moved and inspected for building code compliance to a final location that is compliant with all applicable LMC setback requirements in the HR-1 zone.

The reason for the modification of this condition of approval is based on the June 5, 2007 finding by the Historic Preservation Board that the existing home on the property is historically insignificant. This finding enables the applicant to remove the home from the property, or to move it to a new location on the site.

Staff finds that although this change of the conditions of approval has occurred since the time of the original approval no unmitigated impact on the community will result as of this exception. Additionally, no applicable changes to the LMC have occurred in the time since the application was initially approved.

RECOMMENDATION

Staff recommends that the City Council Approve the request for a one year extension to the March 16, 2006 plat amendment approval for the property located at 315 Park Avenue according to the Findings of Fact, Conclusions of Law and Conditions of Approval in the attached ordinance. The new expiration date would be March 16, 2008.

EXHIBITS

- Exhibit A – Proposed Ordinance
- Exhibit B – Proposed Plat Amendment
- Exhibit C – March 16, 2006 Approved Ordinance

Ordinance No. 06-09

AN ORDINANCE APPROVING A SUBDIVISION OF LOTS 4, 27, 28, 29 AND PORTIONS OF LOTS 5 AND 6 OF BLOCK 3, OF THE PARK CITY SURVEY, LOCATED AT 315 PARK AVENUE, PARK CITY, UTAH

WHEREAS, the owner of the property known as 315 Park Avenue, has petitioned the City Council for approval of a Subdivision; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on March 1, 2006 the Planning Commission held a public hearing on the proposed Subdivision and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on March 16, 2006 the City Council held a public hearing on the proposed subdivision; and

WHEREAS, the proposed Subdivision allows the property owner to combine four lots and portions of two others into three lots of record; and

WHEREAS, it is in the best interest of Park City Utah to approve the Subdivision.

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the Historic Residential (HR-1) zone.
2. The HR-1 zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
3. The amendment will subdivide four platted lots and portions of two others into three lots of record.
4. Lot A is accessed from Park Avenue, Lots B and C are accessed from Woodside Avenue.
5. Proposed Lot A would consist of approximately 3,162 square feet.
6. Proposed Lot B would consist of approximately 1,875 square feet.
7. Proposed Lot C would consist of approximately 3,750 square feet.
8. The minimum lot size for a single family home in the HR-1 zone is 1,875 square feet.
9. There is an existing historic single family home and an accessory building on the property.
10. In its current location, the historic home and accessory building would not respect the newly created lot lines and could not meet the required HR-1 setbacks for proposed lots.
11. No other applications have been filed with the Planning Department with regard to this application.
12. Minimal construction staging area is available along Park and Woodside Avenues.
13. Snow removal is necessary for emergency access, and snow storage areas are necessary for good snow removal.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

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

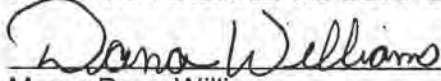
SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. Prior to the recordation of the plat, the historic residence shall be moved and inspected for building code compliance to a final location that is compliant with all applicable LMC setback requirements in the HR-1 zone.
3. Prior to recordation of the plat, a reciprocal snow shed easement shall be recorded between Lots B and C.
4. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
5. A financial guarantee for public improvements including road repairs from utility installation shall be provided in a form acceptable to the City Attorney and in an amount acceptable to the City Engineer prior to plat recordation.
6. A ten-foot-wide public snow storage easement shall be dedicated along the Park Avenue and Woodside Avenue frontage of all lots.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 16th day of March 2006.

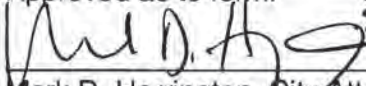
PARK CITY MUNICIPAL CORPORATION


Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney



Ordinance No. 07-40

AN ORDINANCE APPROVING A ONE YEAR EXTENSION OF A SUBDIVISION OF LOTS 4, 27, 28, 29 AND PORTIONS OF LOTS 5 AND 6 OF BLOCK 3, OF THE PARK CITY SURVEY, LOCATED AT 315 PARK AVENUE PARK CITY, UTAH

WHEREAS, the owners of the property known as 315 Park Avenue have petitioned the City Council for approval of an extension to a plat amendment; and

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

WHEREAS, on March 16, 2006, the City Council approved proposed plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the one year extension to the plat amendment.

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

Findings of Fact

1. The property located at 315 Park Avenue is located in the HR-1 zone.
2. Plat amendments expire one year from the date of City Council approval.
3. The applicant received approval for a subdivision plat amendment on March 16, 2006.
4. The applicant is requesting a one year time extension of the plat to subdivide lots 4, 27, 28, 29 and portions of lots 5 and 6 of Block 3 of the Park City survey into 3 lots of record.
5. No changes to the existing approval are proposed that will cause an unmitigated impact on the community.
6. No change in circumstance has occurred since the previous approval that would result in an unmitigated impact to the community as a result of the extension.
7. The approval will expire on March 16, 2008.
8. No building permits will be issued for the property until the plat amendment is recorded at the county.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

Conclusions of Law

1. There is good cause for this extension.

2. The extension is consistent with the Park City Land Management Code and applicable State law regarding plat amendments.
3. Neither the public nor any person will be materially injured by the extension.

SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

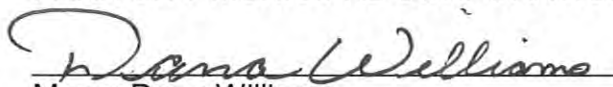
Conditions of Approval

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 Park City Land Management Code, and the conditions of approval prior to recordation of the plat.
2. All conditions of approval for the plat amendment will continue to apply as found in the City Council approval on March 16, 2006, with the exception of condition #2 that will be changed to read, "Prior to the recordation of the plat, the historic residence shall be either removed from the property or moved and inspected for building code compliance to a final location that is compliant with all applicable LMC setback requirements in the HR-1 zone.
3. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 28th day of June 2007.

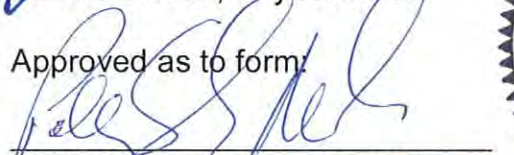
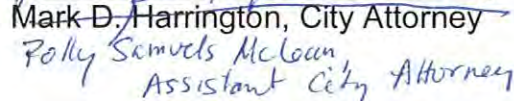
PARK CITY MUNICIPAL CORPORATION


Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney

Polly Samuels McLean
Assistant City Attorney





May 10, 2007

Scandia Contracting
PO Box 681628
Park City, Utah 84068

NOTICE OF HISTORIC PRESERVATION BOARD ACTION

Project Address: **315 Park Avenue**
Project Description: **Determination of Historic Significance**
Date of Action: **May 7, 2007**

Action Taken By Historic Preservation Board: Building found to be historically insignificant in accordance with the Findings of Fact and Conclusions of Law as written below:

Findings of Fact

1. The residence located at 309 Park Avenue is located in the Historic Residential (HR-1) zone.
2. The property is not included in either the 1995 or 1984 historic surveys of Park City.
3. The buildings contiguous to the featured property are contemporary single-family homes and smaller historic residential homes.
4. The structure is not distinctive in, character, method of construction, or period of construction from other structures in the Historic District.
5. The 309 Park Avenue home is not contributory to the historic district because it is of marginal architectural merit.
6. The building does not form a strong physical relationship with other historic buildings in Park City, and therefore does not contribute to the over all historic district.
7. No evidence has been submitted or found which indicates that the structure on the property is tied to a significant historic event or person from Park City's past.
8. All findings from the Analysis section are incorporated here in.

Conclusions of Law

1. The home located at 309 Park Avenue does not demonstrate any significance in local architecture.
2. The home does not exhibit any features which make it of any worth historically.
3. The home does not substantially comply with the standards of review found in LMC Section 15-11-12(A) and therefore is historically insignificant pursuant to LMC Section 15-11-12.

Any person who submitted written comment on a proposal, the owner of any property within three hundred (300) feet of the boundary of the subject site, or the owner of the subject property may appeal to the Historic Preservation Board any action pertaining to the approval or denial. The petition must be filed in writing with the Planning Department within ten (10) calendar days of an administrative decision.

Respectfully,

Ray Milliner
Planner

















PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
FEBRUARY 13, 2013

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Brooke Hontz, Stewart Gross, Mick Savage Adam Strachan, Jack Thomas

EX OFFICIO:

Planning Director, Thomas Eddington; Kirsten Whetstone, Planner; Anya Grahn, Planner; Francisco Astorga, Planner; Polly Samuels McLean, Assistant City Attorney

=====

REGULAR MEETING

ROLL CALL

Chair Worel called the meeting to order at 5:30 p.m. and noted that all Commissioners were present except Commissioner Wintzer who was excused.

Planner Worel moved the Work Session items to the end of the Regular Meeting to allow the applicants the opportunity to leave if they were not interested in sitting through the work session.

ADOPTION OF MINUTES

October 24, 2012

Commissioner Hontz referred to page 47 of the Staff report, page 1 of the minutes under Public Input, first sentence, and noted that a quotation mark needed to be added before the word Preserve in "Preserve Historic Main Street".

MOTION: Commissioner Savage moved to ADOPT the minutes of October 24, 2012 as modified with the addition of the quotation mark. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

December 11, 2012

MOTION: Commissioner Savage moved to ADOPT the minutes of December 11, 2012 as written. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

January 9, 2013

Commissioner Hontz referred to the conditions of approval on pages 106 and 107 of the Staff report, pages 16 and 17 of the minutes, and asked if the conditions would ratify what the Planning

Commission had approved on 99 Sampson Avenue. She did not believe the conditions of approval matched the terms of their vote. Commissioner Hontz read Condition #6, "The applicant shall limit the number of motor vehicles parked on the property during any given rental period to no more than eight persons total", and stated that the condition was incorrect. Commissioner Hontz read Condition #7, "The applicant shall limit the motor vehicles parked on the property during any given rental period to no more than two". She suggested looking back at the original language for Condition 6 for the correct language.

Commissioner Hontz referred to Condition #8, and noted that page 103 of the Staff report, page 13 of the minutes, reflected the concurred decision of the Planning Commission for Condition #8 to reflect the language of the business license requirements. She believed Condition #8 was inaccurate as written, as well as omitting the requirements of the business license. Commissioner Hontz corrected Condition #8 to reference the business license language read by Assistant City Attorney McLean on page 13 of the minutes, page 103 of the Staff report.

Commissioner Hontz referred to Condition #10 and recalled that the Planning Commission decided on a three strike rule instead of a one year review. She referred to a comment by Commissioner Wintzer on page 103 of the Staff report that a one year review was an onerous process. Commissioner Hontz was uncomfortable with Condition #10 as written.

Commissioner Hontz referred to pages 105-106 of the Staff report and noted that Finding of Fact #17 was also incorrect because it did not match the business license language.

Commissioner Hontz was uncomfortable approving the minutes because they did not reflect the motion for approval. Even though she had voted against the motion, she understood the conditions behind the approval and the conditions written were not what they voted to approve.

Director Eddington stated that the Staff would go back and look at the conditions. He recalled that the Planning Commission wanted to match the 24 hour requirement of the business license. He believed the change made to Condition #8 to change 15 hours before and 15 hours after trash pickup to 12 hours before and 12 hours after matched the business license requirements. Commissioner Hontz disagreed because 12 hours before and 12 hours after sounds like 24 hours, except when the trash pickup does not come. For that reason, it needs to match the business license; otherwise it could be 12 hours six days prior to pickup. She felt strongly that the language needed to match the business license language referenced on page 103 of the Staff report. Director Eddington stated that Condition #8 could be tied to the business license. However, he thought there was a subsequent discussion about 12 and 12, which is why the condition was written to replace 15 and 15 instead of specifying 24 hours.

Director Eddington stated that the discussion would be confirmed with the recording and with Planner Matt Evans.

Commissioner Hontz referred to page 126 and 127 of the Staff report and the Findings of Fact, Conclusions of Law, and Conditions of Approval for the Richards Annexation. She asked if the conditions matched what the Planning Commission approved that evening or what was approved by

the City Council. Director Eddington stated that Planning Commission minutes should match the Planning Commission approval.

Commissioner Hontz referred to Condition of Approval #1 and noted that the Planning Commission did not approve having the entire parcel zoned ROS and SF. Director Eddington recalled that it should be SF and some ROS on the Richards parcel. Commissioner Hontz understood that the zoning had been changed by the City Council, but it was not the record of the Planning Commission.

Commissioner Hontz requested that the Staff review all the findings, conclusions and conditions for the Richards Annexation because she recalled that something else had not referenced exactly what was approved.

Commissioner Hontz suggested a search and replace to correctly spell Deters by adding an s. The correct name is Heinrich Deters.

The minutes were tabled to the next meeting pending verification of the conditions and findings outlined by Commissioner Hontz.

PUBLIC INPUT

Ruth Meintsma, a resident at 305 Woodside, commented on what appears to be a problem with the historic preservation process. It is serious enough that it compromised a preservation effort and caused unnecessary loss of historic fabric. She was speaking about a particular project at 335 Woodside, but the same glitch has occurred in the process for both greater and lesser projects in Old Town. Ms. Meintsma stated that after the fall of the home at 335 Woodside, in an effort to rewrite the now invalid preservation plan for 335 Woodside, the Planning Staff was pro-active in first setting up a site visit. Present at the site visit were the Building Official in charge, the applicant's architect and engineer, the crane operator, Planner Francisco Astorga, the Historic Preservation Planner and Ms. Meintsma and her brother. Ms. Meintsma clarified that she attended the site visit because she had been following the project from the beginning. Her brother has background in construction and historic preservation and he had also followed the project. The site visit concluded with Planner Astorga asking that the applicant's representatives to submit a plan in writing to amend the house tipping into the hole and emphasizing the need to save as much of the house and historic material as possible.

Ms. Meintsma stated that after receiving the requested written plan from the applicant's engineer, which created more questions, the Planning Department set up a round table meeting that included the Chief Building Official, the Building Official in charge, Planner Astorga, the Historic Preservation Planner, the Crane operator and herself and her brother. At the conclusion of what was a brainstorming meeting, the engineer's proposal was discarded and after considering several options, the consensus was that the best way to approach the redress of 335 Woodside was to surgically disassemble the roof to save the valuable 1"x10" 100-year-old rough hewn roof deck planks and beams for possible use in replacing damaged portions of the structure. To remove the north and east walls as whole panels and to evaluate and save the damaged but not destroyed south wall. Ms. Meintsma noted that after the meeting the Building Department dismissed the

aforementioned plan for the reasons that it was too time consuming and labor intensive to disassemble the roof, and it was too dangerous to work under the roof.

Ms. Meintsma believed the process went awry when a new plan was devised by the Building Department to cut free and pull only the north and east walls, and let the roof and everything else fall into the hole to be removed as waste. The new plan was not sent back to the Planning Department for a preservation overview, and the Building Department justified overstepping the Planning Department by saying that it was not necessary nor was it required to have input from the Planning Department. Ms. Meintsma stated that if the proper protocol is not to require proper input from the Planning Department when changes to a historic project occur after approval and a building permit is in place, this weak point has and will continue to compromise the preservation process and the protocol should be re-evaluated. If it was not the proper protocol and the Building Department should have had input from the Planning Department on an HSI project, then the Building Department needs to be given direction on this all important point. Ms. Meintsma noted that from personal experience, the Building Department does not have preservation purview. They are never able to answer her questions and she has to do her own research or eventually seek answers from the Planning Department.

Referring back to the house at 335 Woodside Avenue, Ms. Meintsma remarked that two walls were partially saved; one was damaged in the removal. The rest was trashed. She had taken a number of photos to show that there was still plenty of historic material that could have been saved, including the gable on the south wall and the planks from the roof. Unfortunately it was all trashed and hauled away.

Ms. Meintsma believed that more of the historic material would have been saved if the Planning Department had been involved in the final follow-up and mitigation of the house. She wanted to know if the proper protocol was followed, and if it was, the protocol needs to change. She noted that the contractors on site insisted that the roof planks were rotten. She understood why they took that position because it would have been a laborious effort to remove and save the planks. Ms. Meintsma felt that the Planning Department would have taken a different point of view in terms of how long it would have taken to disassemble the roof. She encouraged a change in the process to keep the Planning Department involved in every step of changing plans after an approval.

Director Eddington reported that the Planning Commission was working with the Building Department to look at the plan and identify whether any issues were not properly addressed.

Henry Sigg, the owner of Lots 48A-D and parking lot G in Prospector, stated that with all the new planning in Bonanza Park and zone 3, it was brought to his attention that some of the diagrams have roadways coming through his platted lots. Mr. Sigg understood that his lot was part of the discussion but it was not in the mix. He wanted to ensure that it becomes part of the mix because he has development rights. Mr. Sigg stated that he already had discussions with Director Eddington, Planner Astorga and the City Engineer, and he believed many people on Staff were not aware that some of the properties existed in ownership in part of Prospector Square and the common area. Mr. Sigg had provided the plat information and he encouraged the Planning Commission to include any unbuilt lots in Prospector with the same re-development rights that might occur in some of the other areas being considered.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Eddington reminded the Planning Commission about an email they received regarding Camp Training, which is training for historic preservation. The Historic Preservation Board, the City Council, the Planning Commission, Staff and others were invited. It is a one-day intensive training on historic design review, the challenges, public participation, legal issues, and other issues related to historic preservation. It is a one-day seminar and the Planning Commission was encouraged to attend. The last training camp was held in 2009. The Camp was scheduled for Friday, June 7th at the Treasure Mountain Inn. The time would be confirmed later.

Planner Astorga reported that the CNU, Congress New Urbanism Group, was holding their National Conference in May. The group primarily focuses on traditional neighborhood design. The conference will be held in Salt Lake City and the Staff would be involved in some of the workshops. He encouraged the Planning Commission to check the website or contact the Staff for additional information if they were interested in learning more about the concepts.

Director Eddington offered to email the website address to the Commissioners. It is an extraordinary conference and they were fortunate that it was being held in Salt Lake this year. He noted that the workshops would be held in Salt Lake; however, they were trying to make arrangements for tours in Park City, biking, hiking, etc., as part of the mobile workshops.

REGULAR AGENDA – Discussion, Public Hearing and Possible Action

1. 1492 Park Avenue – Plat Amendment (Application #PL-12-01739)

Planner Anya Grahm reported that both the Building and Planning Departments have been working closely with the applicants on a proposed remodel. They have been working to create a building permit and to issue a demolition permit. The demolition permit was only for removing the exterior stucco and the roofing materials. However, the roof is gone and only the trusses are left. The issue with removing the stucco was that it was plied to a fiberboard and the board was attached to the stud. When the stucco was removed it also ripped out the board that was holding it in place. There were unanticipated structural issues and the Staff was currently trying to decide how to move forward. Planner Grahm noted that the structure was not historic.

Planner Grahm understood that the Building Department intended to double the cost of the building permit when one is issued; however, they were still working out the details.

Planner Grahm reviewed the application for the requested plat amendment. During the HDDR the Staff realized the property was a metes and bounds parcel and the applicant would like to make it a legal lot of record. Planner Grahm presented the survey and noted that the applicant intends to follow the metes and bounds description and the existing lot lines would not be adjusted. Land would not be added or subtracted. The applicant was requesting the plat amendment to make the parcel a legal lot of record.

Planner Grahn stated that after meeting with the Building Department, an additional condition of approval should be added to require an encroachment agreement. The Staff has been working with the Legal Department and Building Department to resolve the encroachment issue. She noted that 2' of the existing roof overhangs on the north side of the property line, which is shared by 7-Eleven.

Planner Grahn stated that a condition of approval was written to address a snow shed easement; however, snow clips would be put on the rebuilt roof. That should resolve the snow shed issue and the easement would not be necessary

The Staff recommended that the Planning Commission forward a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law and Conditions of Approval.

Chair Worel referred to Condition #4 on page 136 of the Staff report, "A Snow Shed Easement of seven feet (7') is required along the north property line". She then referred to language on page 130 of the Staff report which states that there is no setback on the north side. Planner Grahn explained that it is a non-complying structure because it was built at zero setback on the north property line. It also has less than a 15' setback across the front of the property line, which is an issue and contributes to making it a non-complying structure. She noted that because the remodel would not expand the footprint the amount of non-compliance would not be expanded, which complies with the LMC.

Steve Urry, representing the applicant, apologized for the accidental removal of the roof. He emphasized that there was no intention to do anything contrary. It was a misinterpretation between the General Contractor and the Building Official, and the definition of removing the building materials was never discussed in detail. Mr. Urry commented on his discussion with the Building Department and how they intend to address the encroachment of the roof that extends 2' over the property line. He noted that the encroachment has existed since 1970 and there has been a dispute or argument between the two property owners past or present. Mr. Urry stated that the applicant has been communicating with the adjacent property owner and they have an agreement for access to set up the 7' disturbance area.

Commissioner Gross remarked that this building represents a gateway view into the community because it is the first anyone sees coming from the Park Avenue/Deer Valley intersection. Unless they get the right treatment along the north side to make it more inviting to the public, it would not serve the community or the tourists at any level. In his opinion it is a garbage building and he was unsure why the applicant wanted to keep it up.

Mr. Urry thought the elevations showed that they were making substantial improvements to the structure. Mr. Gross reiterated that this was a gateway into Old Town and it needs to be more enticing. Mr. Urry stated that they were putting in stone and wood, changing the roofline and adding dormers to make it more aesthetically pleasing. He was confident that the finished product would be a significant improvement.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Thomas moved to forward a POSITIVE recommendation to the City Council for the plat amendment at 1492 Park Avenue, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance.

Assistant City Attorney McLean recommended that the Planning Commission consider the Staff recommendation to add the Condition of Approval regarding the encroachment of the roof overhang.

They should also add a finding of fact stating that there is an encroachment of the roof overhang across the north property line. The Condition of Approval should state that the roof overhang encroachment must either be resolved or the applicant must obtain an encroachment agreement.

Commissioner Strachan asked if they could make a finding that the roof encroaches since the roof is gone. He was comfortable with a condition of approval requiring an encroachment agreement for the overhang on the north side, but he did not think they could make a finding that the roof encroaches when there is no roof. Ms. McLean wanted to make sure that the encroachment was addressed if the roof is rebuilt the same way.

Assistant City Attorney McLean suggested that they revise Condition #4 to state that if snow melt is addressed, the snow shed agreement would not be needed. Director Eddington drafted language stating, "If snow clips or snow melt is utilized in accordance with the Building Department, an easement for snow shedding is not necessary."

Commissioner Thomas amended his motion to include the revisions as stated. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1492 Park Avenue

1. The site is located at 1492 Park Avenue, Park City.
2. The site is within the Historic Residential-Medium Density (HRM) District.
3. The metes and bounds parcel is approximately 8,414 square feet in size.
4. The proposed one-lot subdivision does not increase or change the boundaries of the parcel. Currently, the parcel is 62.95 feet wide along Park Avenue, its western boundary. It is 121.85 feet long along the north side yard, 66 square feet along the east rear yard, and 129.92 feet long along the south side yard.
5. Per LMC 15.2.4-4, the Minimum Lot Area for non-residential uses shall be determined by the Planning Commission during the Conditional Use review. The use of the property has always been non-residential, the structure is pre-existing, the size of the property is not changing and the size of the lot is appropriate for the non-residential use, therefore the

minimum lot size shall be 8,414 square feet. The current lot size is comparable to other commercial sites in the district.

6. The proposed use of the existing building as "Office, General" is not a permitted use in a non-historic building in the HRM District.
7. On September 26, 2012, Planning Director Thomas Eddington made a determination that the use of the building could continue being used for commercial/office use as a legal non-conforming use.
8. The existing structure has a footprint 4,544 square feet; however, the proposed alterations will increase the building's gross floor area to 6,694 square feet; however, the proposed modifications will not increase the existing building footprint.
9. There are minimum required Front, Rear, or Side Yard dimensions in the HRM District of fifteen feet (15'), ten feet (10'), and five feet (5'), respectively. There are setbacks associated with the HRM zone of which the parking lot and north and west sections of the building are located. The existing structure currently has a two to four foot (1'- 4') setback increasing from north to south along the front yard, and a forty-three foot (43') rear yard setback. There is a zero foot (0') setback along the north side yard, and a twenty foot (20') setback on the south side yard.
10. A January 16, 2013 letter from the Planning Director addressed the non-complying status as to the north side yard setback. Applicants are submitting a request for a determination as to the front yard non-compliance.
11. According to LMC Section 15-9-6(A), any Non-Complying Structure may be altered or enlarged, provided that such alteration or enlargement shall neither create any new non-compliance nor shall increase the degree of the existing non-compliance of all or any part of such structure.
12. The property is currently accessed from a driveway on Park Avenue. The driveway leads into a rear parking lot containing eleven (11) parking spaces.
13. Sullivan Road is a city-owned private driveway for City Park.
14. Sullivan Road shall not be used as an entrance. All ingress and egress shall be off Park Avenue. The applicant shall not contest the installation of curbs and landscaping along Sullivan Road.
15. The plat must be recorded before the City issues a Certificate of Occupancy.
16. The applicant requests approval of the subdivision application to create a legal lot of record in order to be able to construct the proposed improvements to the exterior, the basement, and the second floor.

17. The property located at 1492 Park Avenue is within the Soils Ordinance Boundary.
18. Prior to its demolition, the roof encroached two feet (2') across the north property line. In the reconstruction of the roof structure, the Building Department has requested that any snow shedding be resolved, or a snow shed agreement be obtained with the neighboring property. Similarly, the encroachment must be resolved or an encroachment agreement must be obtained.

Conclusions of Law – 1492 Park Avenue

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

Conditions of Approval – 1492 Park Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the record of survey for compliance with State law, the Land Management Code, and conditions of approval.
2. The applicant will record the plat at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) year's time, this approval for the plat will be void, unless a request is granted by the City Council.
3. Plat must be recorded prior to issuance of a Certificate of Occupancy (CO).
4. Snow shedding must be resolved to the satisfaction of the Building Department, or a Snow Shed Easement of seven feet (7') will be required along the north property line.
5. Modified 13d sprinklers shall be required for all renovation/reconstruction.
6. Per the Soils Ordinance outlined in LMC 11-15-1 Park City Landscaping and Maintenance of Soil Coverage, a Certificate of Compliance must be obtained if the cap is disturbed. Currently, the approved HDDR application does not require a Certificate of Compliance because no excavation or soil will be disturbed.
7. All conditions of the September 23, 1977 variance apply, including that Sullivan Road is a city-owned private driveway for City Park and that Sullivan Road shall not be used as an entrance. All ingress and egress shall be of Park Avenue. The Applicant shall not contest the installation of cubs and landscaping along Sullivan Road.

8. A ten foot (10') public snow storage easement is required along the frontage of the property on Park Avenue and Sullivan Road.
9. All encroachments along the north property line must be resolved to the satisfaction of the Building Department or an Encroachment Agreement must be obtained.

**2. 315 Park Avenue – Plat Amendment
(Application PL-12-01728)**

Planner Kirsten Whetstone reviewed the request for a plat amendment to reconfigure three lots of the existing plat called the 315 Park Avenue Subdivision. The subdivision was a combination of Lots 4, 5, 6, 27, 28, 29 of Block 3 and configured into three lots. The plat was recorded with the County in 2007. The applicant would like to reconfigure the lots to make them more equal in size. The existing configuration includes one large lot, which is Lot C at 3750 square feet, which allows a duplex. If the lots are made equal in size as proposed, all the lots would be single family lots and a duplex would not be allowed. She indicated a small peninsula that would be an extension of Lot B in the reconfiguration, as opposed to being an extension of Lot A.

The Planning Staff reviewed the proposed plat and finds good cause for this plat amendment as the plat amendment reconfigures the existing platted lots to create more logical property boundaries. It also resolves encroachment issues with conditions of approval. The encroachments are the low walls and a sliver of the shed on Lot A. The lots are vacant. The proposal reduces the density from a potential of four units to three units, and secures public snow storage easements along the two right-of-ways.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval outlined in the ordinance. Jonathan DeGray, representing the applicant, was available to answer questions.

Chair Worel opened the public hearing.

Ruth Meintsma was pleased that the lots were going to be developed. She referred to page 157 of the Staff report, the existing lots and replatted lots. In terms of lot size and footprint, she believed that the numbers for Lots A and B were transposed. Ms. Meintsma favored more equal sized lots; however, if the lot size changes, the side yard setback on the large lot would be reduced to a 3' setback, which results in a 4' loss of open space. She asked if the applicant would consider retaining two of the side yard setbacks as a benefit the neighborhood.

Chair Worel closed the public hearing.

Commissioner Hontz referred to page 157, the existing lot requirements, and noted that the maximum footprints for Lots A, B and C add up to a maximum footprint of 3,543.46. In looking at the replatted lot requirements under maximum footprint for Lots A, B and C, the total maximum footprint is 3,681.78. This was the basis for Meintsma's observation that the difference between

the two numbers results in a reduction of the side yard setback and creates a larger footprint. Commissioner Hontz agreed that maintaining a similar footprint would benefit the neighborhood and that could be accomplished by maintaining the existing setbacks. She could also be comfortable with only maintaining the existing maximum footprint number of 3,543.46.

Commissioner Strachan clarified that the issue was only with Lot C where the side yard setback would move from 5' to 3'. Planner Whetstone explained that the Lot footprints were based on the lot size, and the setbacks were based on the LMC requirement for the width of a lot. She stated that the information under the re-platted lot requirements gives the applicant what the LMC currently allows. The footprint calculations under the existing requirements were based on the LMC requirements for the size of the lot.

Commissioner Hontz asked if Lot C would need a Steep Slope CUP. Planner Whetstone replied that any of the lots could require a Steep Slope CUP, depending on where the structures are located on the site.

Mr. DeGray assumed that Lots B and C would have to go through the Steep Slope process. Commissioner Thomas stated that the setbacks could be increased during the process because that is one of the stipulations of the Steep Slope CUP. Planner Whetstone pointed out that the Planning Commission would have more specific design information at that time, as well as the visuals.

Commissioner Hontz stated that if they wait until the Steep Slope CUP process, she wanted a finding of fact or condition of approval stating that the footprints may be reduced at the time of a Steep Slope CUP. She noted that the maximum footprint was already referenced in Finding of Fact #23 on page 162, but she thought it should also include the fact that it could be reduced through the Steep Slope CUP. Commissioner Thomas believed that the ability to reduce the footprint was already a criteria of the Steep Slope CUP process.

Director Eddington understood that Commissioner Hontz was asking to specifically include the setbacks in the finding. He suggested the language, "This may be reduced at the time of the Steep Slope CUP."

Planner Whetstone clarified that the lots sizes for Lots A and C reflected in the Staff report were correct based on the plat. Lots A and C were 2,812.5 and Lot B was 3,037.5 square feet.

Commissioner Hontz referred to the Good Cause statement on page 157, first sentence, second line, and suggested that they revise the language to read, "...reconfigure the existing platted lots to **create property boundaries preferred by the applicant**, resolves encroachment issues, reduces the density from a potential four units to three units, reduces the **potential** parking requirement...." "The plat amendment resolves encroachment issues by requiring removal of, or easements for, the existing encroachments."

Planner Whetstone noted that the good cause language was also Finding #26, and the finding should be revised to include the suggested changes.

Commissioner Strachan asked if encroachment agreements were currently in place. Planner Whetstone answered yes. Commissioner Strachan asked how the plat was amended the first time. Commissioner Hontz noted that the findings and conditions reference the requirement for encroachment agreements. Planner Whetstone explained that typically an encroachment is recorded before the plat is recorded. She did not believe there were Findings at the time of the original plat and that the walls may be remnants of the historic home. Commissioner Strachan assumed that no one had bothered to get encroachment agreements when the plat was recorded.

MOTION: Commissioner Thomas moved to forward a POSITIVE recommendation to the City Council for the plat amendment for 315 Park Avenue based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance and as amended. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 315 Park Avenue

1. The property is located at 315 Park Avenue and consists of three lots of record, namely Lots A, B, and C of the 315 Park Avenue Subdivision.
2. The property is located within the Historic Residential (HR-1) zoning district.
3. The lots are currently vacant and undeveloped with the exception of low rock walls, railroad ties and concrete retaining walls, and a sliver of a shed encroaching on these lots from adjacent lots.
4. Constructed across the underlying Park City Survey lot lines, a house previously stood at 315 Park Avenue
5. On May 7, 2007, the house was determined by the Historic Preservation Board to be a non-historically significant structure.
6. On June 6, 2007 a demolition permit was issued and the structure was removed. The house was not listed on the Park City Historic Sites Inventory.
7. The existing lots were created during the plat amendment approval for 315 Park Avenue Subdivision, being a replat of Lots 4, 5, 6, 27, 28, and 29, Block 3 of the Park City Survey.
8. Lots B and C have frontage on Woodside Avenue and Lot A has frontage on Park Avenue.
9. Existing Lot A contains 3,037.5 square feet, Lot B contains 1,875 square feet, and Lot C contains 3,750 square feet. Lots A and B are of sufficient lot area for a single family house. Lot C has sufficient lot area for a duplex.

10. A duplex requires a Conditional Use permit and single family homes are an allowed use in the HR-1 zone.
11. The 315 Park Avenue Subdivision was approved by the City Council on March 16th, 2006, extended on June 28th, 2007 and recorded at Summit County on September 24th, 2007.
12. On November 27, 2012 the owner submitted an application for a plat amendment to reconfigure the property lines for the three existing lots.
13. The application was deemed complete on January 2, 2013.
14. The application is a request to reconfigure the three existing Lots A, B, and C into three lots that are more equal in size and have more logical property boundaries. The request is to create Lot A amended to contain 2,812.5 sf, Lot B amended to contain 3,037.5 sf, and Lot C amended to contain 2,812.5 sf.
15. All three amended lots are of sufficient lot area for a single family house in the HR-1 zone and no lot is of sufficient lot area for a duplex.
16. The HR-1 zone requires a minimum lot area of 1,875 square feet. All lots meet this minimum lot size.
17. No changes are proposed to the access with amended Lots B and C having access and fronting onto Woodside Avenue and amended Lot A having access and fronting onto Park Avenue.
18. There is a reduction in the both the potential density and the parking required to be provided as the existing plat allowed one of the lots to be a duplex, due to the size of the lot. Potential density of the existing plat is 4 dwelling units and potential density with the re-plat is 3 dwelling units. The off-street parking requirement for 4 dwelling units is 8 spaces and for 3 units it is 6 spaces.
19. The lots are subject to the Park City Design Guidelines for Historic Districts and Historic Sites.
20. Lots A and B do not contain areas of slope greater than 30%. Lot C contains areas of slope that are 30% or greater.
21. The proposed plat amendment does not create any new non-conforming situations as the lots are vacant.
22. There are existing encroachments onto the proposed lots that will need to be resolved prior to recordation of the plat. There are rock walls from adjacent Lot

30 onto Lot C, as well as a concrete retaining wall across the frontage of Woodside Avenue onto adjacent Lot 30 from amended Lot C. There are also railroad tie retaining walls and a sliver of a shed from adjacent Lot 6 onto amended Lot A. There are low rock walls on amended Lot B that do not encroach onto adjacent lots and do not required resolution.

23. The maximum building footprint allowed for amended Lots A and C is 1,200.66 square feet per the HR-1 LMC requirements and the maximum building footprint allowed for amended Lot B is 1,280.46 sf. Setbacks may be reduced at the time of the Steep Slope CUP per LMC Section 15-2.2-6(B)(7).
24. The plat amendment secures public snow storage easements across the frontage of the lots.
25. Location of the sewer main may require a privately owned and maintained wastewater ejector pump for wastewater services, with final determination to be made at the time of the building permit application.
26. There is good cause to reconfigure the existing platted lots to create property boundaries preferred to the applicant, resolve encroachment issues, reduce the density from a potential of four units to three units, reduce the potential parking requirement from eight off-street spaces to six off-street spaces, and secure public snow storage easements across the frontage of the proposed lots.

Conclusions of Law – 315 Park Avenue

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 – 315 Park Avenue

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

2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, , this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Approval of an HDDR application is a condition precedent to issuance of a building permit for construction on the lots.
4. Approval of a Steep Slope Conditional Use Permit application is a condition precedent to issuance of a building permit if the proposed development is located on areas of 30% or greater slope and over 1000 square feet.
5. Modified 13-D sprinklers will be required for new construction as required by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.
6. A 10-foot wide public snow storage easement is required along the frontage of the lots with Park Avenue and Woodside Avenue and shall be shown on the plat.
7. Encroachments across property lines must be addressed prior to plat recordation and shall either be removed or encroachment easement shall be provided.
8. The Snyderville Basin Water Reclamation District requests that a note shall be added to the plat prior to recordation of the final mylar stating the following, "Lots B and C may require a privately owned and operated wastewater ejector pump for wastewater services". As a condition precedent to plat recordation, the SBWRD shall review and sign the plat.

The Planning Commission adjourned the regular meeting and moved into Work Session. That discussion can be found in the Work Session minutes dated February 13, 2013.

The Park City Planning Commission meeting adjourned at 9:00 p.m.

Approved by Planning Commission: _____

Jonathan DeGray - Architect

March 5, 2013

Park City Municipal Corporation
Planning Department
443 Marsac Avenue
Park City, Utah 84060

Attn: Ms. Kirsten Whetstone, Planner

Re: 315 Park Avenue Plat Amendment

Dear Kirsten,

Regarding the city council meeting of February 28, 2013, you informed me that the council was concerned about the impact that any future building on Lot B of the proposed 315 Park Avenue Plat Amendment might have on the existing historic residence at 323 Park Avenue. You had explained that the council would like a "No Build Zone" in the 10' x 22.5' area on the east side of lot B.

While I understand there concern it seems there is existing code requirements in place that any construction on Lot B will be subject to that will achieve protection of the historic structure at 323 Park without burdening the plat with site specific conditions of approval. As you are aware the rear yard setback on lot B will be 10'. This setback requirement alone will prohibit construction in the proposed "No Build Zone". The only exception would be an accessory structure that could be built up to 12" from the rear property line. Any structure on the lot would require a Historic District Design Review, HDDR, approval and in the case of Lot B a steep Slope CUP. Both of which require the applicant to show compatibility with adjacent structures. It seems there is adequate code in place to protect the historic structure at 323 Park from being over whelmed by any new construction on Lot B.

That said, the owner of 315 Park Avenue would prefer not to have his plat burdened with site specific regulations but has no plans to construct an accessory structure on Lot B. This being the case, he would not be opposed to restricting construction in the 10' x 22.5' area to the east side of Lot B to prevent an accessory building from being placed in this area. He would want to maintain his rights to landscape and maintain this area and to place a code compliant perimeter fence on his property line if he chooses to do so.

We hope this information provides the council with direction to resolve this issue and approve the plat amendment for 315 Park Avenue.

Sincerely,

Jonathan DeGray - Architect

614 Main Street , Suite 302
P.O. Box 1674 , Park City , Utah 84060 Tel./Fax 435-649-7263
Email: degrayarch@gwestoffice.net Web: www.degrayarchitect.com

City Council Staff Report



Subject: Round Valley Annexation
ANNEXATION PETITION
Date: March 21, 2013
Project #: PL-13- 01857
Type of Item: Legislative (Annexation Petition Review)

SUMMARY RECOMMENDATION

Staff recommends that the City Council review the annexation petition and take action to accept the petition for annexation.

DESCRIPTION

Project Name: Round Valley Annexation Petition
Project Planner: Kirsten A Whetstone, Senior Planner
Applicant: Park City Municipal Corporation, Afton Stephen Osguthorpe, and UDOT
Location: Round Valley Open Space north and south of the Quinn's Sports Complex on the west side of SR 248
Proposed Zoning: Recreation Open Space (ROS) is proposed for all open space areas and deed restricted properties. Limited Industrial (LI) for the lower four parcels located across SR 248 from the Quinn's Water Treatment Plant and ROS for four upper parcels along SR-248. Frontage Protection Zone (FPZ) is proposed for the 250' frontage of SR 248.
Adjacent Land Uses: Dedicated open space, Quinn's Sport's Complex, Park City Ice Arena, National Ability Center, IHC Hospital, USSA Building, Summit County Health Department, Park City Clinic, Highway 248, and single family subdivisions to the west and north.
Proposed Uses: Recreation open space use for all current open space areas, conservation easement areas, and deed restricted areas. Future municipal/UDOT limited industrial/storage type uses for the 4 lower parcels located across SR 248 from the Quinn's Water Treatment Plant that are not deed restricted with conservation easements.

BACKGROUND

On March 11, 2013, the petitioners filed a completed annexation petition (Exhibit A) with the City Recorder for annexation of 1,367.94 acres into the Park City municipal boundary.

The annexation area consists of two related areas, including 1) the 1,104.39 acre north area consisting of the Round Valley open space area and 2) the 263.55 acre south area consisting of City owned open space south of the Ability Center and Quinn's Sports Complex along with the Osguthorpe owned agricultural fields and eight small parcels off of SR 248 across from the Quinn's Water Treatment Plant and

Richardson Flats Road. A ninth small parcel, owned by Hillcrest Investment is located at the northwest intersection of SR 248 and US 40 at the entrance to Round Valley Drive. With the exception the four (4) lower parcels adjacent to SR 248 and the Hillcrest parcel at the intersection, the proposed annexation parcels are currently subject to conservation easements and various deed restrictions restricting development.

Current Summit County zoning for the property is 1) Rural Residential with an allowable density of 1 unit per 20 acres for Developable Lands (DL) and 1 unit per 40 acres for Sensitive Lands (SL) and 2) Hillside Stewardship (HS) with an allowable density of 1 unit per 30 acres for Developable Lands and 1 unit per 40 for Sensitive Lands. (Exhibit B)

Proposed zoning is Recreation Open Space (ROS) for nearly all of the annexation area, including all open space and conservation easement areas. Limited Industrial (LI) is proposed for the four (4) small, existing lower parcels, of the eight parcels located across SR 248 from the Quinn's Water Treatment Plant. The LI zoning would allow some of the existing uses to remain, however there may be alternative zones, or even ROS zoning that would be more suitable for these parcels in the entry corridor that would still allow limited municipal and light industrial types of uses to continue subject to a Conditional Use Permit. Two parcels are owned by the City and two are owned by UDOT.

Zoning of these parcels will be further discussed by the Planning Commission and City Council if the annexation petition is accepted for consideration and staff will present an analysis of the various uses that could occur in alternative zones.

The current zoning for all of the small parcels along SR 248 is Rural Residential (RR). Zoning on the upper parcels is proposed as ROS, as these are deed restricted parcels. The lower parcels are not deed restricted (two owned by UDOT and the others by the City). The remaining parcels located in this area are owned by the City and are zoned Residential Development (RD).

Additionally, Frontage Protection Overlay Zone (FPZ) is proposed for the annexation area along the west side frontage of SR 248 for a width of 250'.

No plat or MPD has been submitted with this annexation petition because the Property is not intended for additional development or subdivision.

The properties are all located within the Park City Municipal Corporation Annexation Expansion Area boundary, as described in the adopted Annexation Policy Plan (Land Management Code (LMC) Chapter 8), and are contiguous with the current Park City Municipal Boundary along all property boundaries.

The annexation would not create an island of County jurisdiction or an irregular boundary.

The applicants have submitted an annexation plat (Exhibit C), prepared by a licensed surveyor and additional annexation petition materials according to provisions of the City's Annexation Policy Plan and Utah State Code for the initial review of the petition.

On March 11, 2013, the applicants provided necessary notification of the intent to file the petition with the County Clerk and Recorder and the County Planning Commission.

ANALYSIS

Review pursuant to the City's Annexation Policy

The annexation petition has been reviewed pursuant to the City's Annexation Policy Plan and complies as conditioned. The annexation consists of a 1,104.39 acre north parcel and a 263.55 acre south parcel that are separated by property that is already within the Park City Municipal boundary. The total annexation area is 1,367.94 acres. The property is contiguous to the Park City Municipal boundary. The proposed annexation area is located within the Park City Annexation Expansion Area, as described by the adopted Annexation Policy Plan.

Utah Code Annotated (UCA) Section 10-2-401, 10-2-402 and 10-2-403

The annexation petition has been reviewed pursuant to the Utah Code Annotated (UCA) Sections 10-2-401, 10-2-402 and 10-2-403. The annexation petition requirements set forth in these sections of the UCA have been met; including issues of 1) contiguity and municipal annexation expansion area, 2) boundaries drawn along existing local districts, special districts and other taxing entities, and 3) for the content of the petition.

PROCESS

Upon finding that an annexation petition is complete the matter is brought before the City Council for acceptance or rejection of the petition at its first regularly scheduled meeting, thereafter.

Municipal annexation is a legislative act governed procedurally by Utah state law. Once the annexation petition is filed with the City Recorder, the petition (not the annexation) is presented to the municipal legislative body for acceptance or rejection. Because annexation is a legislative act, the Council has broad discretion to accept or reject the petition.

If the petition is accepted, then staff will complete the review and analysis of the annexation application, including the proposed zoning, and provide a recommendation to the Planning Commission. The Planning Commission shall hold a public hearing on the matter and shall forward a recommendation to the City Council. The City Council is the final decision maker regarding annexation of land into Park City.

In evaluating the annexation petition, the Council shall review the proposal in accordance with the City's Annexation Policy Plan (Chapter 8 of the LMC) and the UCA to determine whether to accept or deny the petition. The Council can also consider whether the annexation allows a logical extension of City services and City Boundary.

A decision to reject the petition ends the annexation process, and the applicant would be free to develop in the County pursuant to County regulations. A decision to accept the petition allows the process to continue for further consideration via the certification and subsequent public hearing process and allows for a review of the implications of the annexation to the City in terms of zoning, access, extension of city services and utilities, impacts on surrounding properties, and whether the annexation is consistent with the Park City General Plan.

Acceptance of the petition does not represent final action or approval of the annexation or any future development proposals or subdivision plats.

If the Council accepts the petition, then a 30-day certification review process will commence wherein Staff will determine whether the petition meets statutory requirements of Utah State Code. All affected entities are noticed of the intent to annex and a 30 day protest period begins. Protests to the annexation petition are heard by a Boundary Commission.

If staff determines that the petition meets these requirements, then the City Recorder will certify the petition and commence the public notification and hearing process.

If staff determines that the petition fails to meet any of the statutory requirements, then the City Recorder will reject the petition and deliver written notification of rejection to the applicant and other parties required by state law. The applicants then will have the opportunity to modify the petition to correct the deficiencies for which it was rejected and re-file the petition with the City Recorder, or the petitioner may appeal the decision to a Boundary Commission, as spelled out in the State Code.

ALTERNATIVES

Pursuant to Utah State Code Section 10-2-405(1)(a)(ii)(B), if the Council does not take action on this annexation petition at its first regularly scheduled meeting that is at least 14 days after the date the petition is filed, then the annexation petition shall be considered accepted for further consideration. Accordingly, taking no action is not a unique option available to the Council; as the UCA considers no action as acceptance of the petition. Council alternatives include:

1. Accept the annexation petition for further consideration, thereby triggering the 30-day certification review process; or
2. Reject the annexation petition, thereby ending the annexation process.

RECOMMENDATION

Staff recommends the Council accept the petition for annexation.

EXHIBITS

Exhibit A- Annexation Petition and supporting exhibits
Exhibit B- Existing and Proposed Zoning
Exhibit C- Annexation Plat



Round Valley Annexation Petition

Introduction

Park City Municipal Corporation (PCMC) is petitioning to have the area generally known as Round Valley (RV), annexed into Park City. The bulk of the parcels contained within the proposed annexation area are either owned outright by PCMC or PCMC retains conservation easements or deed restrictions. The project is located in the Quinn's Junction area. See attached Existing Conditions map. The purpose of this report is to provide a review and analysis of the existing and proposed land uses associated with the annexation of the Round Valley property. The property exists within Park City's annexation declaration boundary, as shown on the attached Annexation Boundary Declaration exhibit. The annexation petition is consistent with the Purpose and General Requirements of Chapter 8-Annexation of the Park City Land Management Code. An Annexation Plat is attached.

Existing Conditions

The annexation area consist of properties within two larger parcels (North Parcel and South Parcel) which are separated from each other by properties within the boundaries of PCMC. Both of these parcels consist of lands purchased over 20 of years by PCMC specifically for open space protection and for use as a recreation amenity by residents and visitors (see Existing Conditions map) through taxpayer-funded Open Space bonds. The total area of the proposed annexation area is 1,367.94 acres. Existing natural conditions have been identified, in some cases mapped, and then subsequently analyzed to address the requirements of the Annexation Petition and are noted below.

The North parcel lands present as undeveloped open space with topography consisting of rolling hills surrounding a central valley (Round Valley). The lowest point of the valley area appears to contain a small jurisdictional wetlands habitat. Numerous trails used by hikers, bikers, and winter user's crisscross the Round Valley area.

The South parcel is similar in character to the North parcel. Topography consists of gently rolling terrain and flat fields. Most of this parcel exists as undeveloped open space with multi-use trails. A portion is farmed for hay, and several small parcels have been utilized for vehicle storage, road salt storage and related uses. Individual ownership parcels of the entire annexation area are found at the end of this document.

a. Slopes:

A slope analysis has been conducted with the following results:

Slopes 0 – 15%	55%
Slopes 15-40%	44%
Slopes 40%+	1%

See the attached slope analysis. Ridgelines have also been identified as part of this analysis.

Round Valley Annexation Petition

b. Wetlands and Hydrology:

Wetlands in the annexation area, and surrounding lands, have been mapped by the Environmental Protection Agency as part of a nationwide wetlands inventory and the mapping, available in a digital format, was downloaded from the State of Utah GIS portal website for use in mapping wetlands. This mapping would not be considered to be detailed enough for a site-specific wetlands identification, but is useful in generally determining where wetlands are likely located. The digital mapping shows a very small wetland area in Round Valley itself. An on-site delineation will be required in the event that activities are proposed in this wetlands area. These mapped wetlands are shown on the Sensitive Lands Map.

c. Vegetative Cover:

Vegetation consists of mountain mahogany, shrub oak, sagebrush, mixed native grasses and various perennials. Invasive weed species are found throughout the parcel (See attached character image of the vegetation patterns).

d. View Corridors:

Important view corridors exist along Route 248 and 40 and comprise portions of the RV Annexation area. The parcels within the annexation area were purchased or controlled by PCMC, in part, to protect the visual character of the entry in Park City. Visually, the Round Valley Annexation area presents as undeveloped foothills between the State Route 40 corridor and the Snyderville Basin. See the attached Viewshed Analysis.

e. Wildlife:

Wildlife habitat information for important species has been downloaded and mapped from the State of Utah GIS Portal website. As shown on the wildlife mapping, black bear, blue grouse, sage grouse, ruffed grouse and mule deer habitat are found within the annexation area and on nearby open space lands.

Threatened and Endangered Species-As shown on the following table, Summit County animal and plant species has been listed as one or more of the following: Federally-listed or candidate species under the Endangered Species Act (S-ESA), Wildlife species of concern (SPC), and Species receiving special management under a Conservation Agreement in order to preclude the need for Federal listing (CS). The animals and plants listed below are found in Summit County or Wasatch Counties but are not be specific to the annexation parcels.

Round Valley Annexation Petition

Table 1-Animal Species in Summit County of S-ESA, SPC, or CS Status

<i>Common Name</i>	<i>Scientific Name</i>	<i>State Status</i>
Bald Eagle	Haliaeetus Leucocephalus	S-ESA
Blue-Headed Sucker	Catostomus Discobolus	CS
Bobolink	Dolichonyx Oryzivorus	SPC
Bonneville Cutthroat Trout	Oncorhynchus Clarkii Utah	CS
Brown (Grizzly) Bear	Ursus Arctos	S-ESA
Canada Lynx	Lynx Canadensis	S-ESA
Colorado River Cutthroat Trout	Onchorhynchus Clark II pleuriticus	CS
Columbia Spotted Frog	Rana Luteiventris	CS
Deseret Mountain Snail	Oreohelix Peripherica	SPC
Greater Sage Grouse	Centrocercus Urophasianus	SPC
Leatherside Chub	Gila Copei	SPC
Lewis Woodpecker	Melanerpes Lewis	SPC
Long-billed Curlew	Numenius Americanus	SPC
Northern Goshawk	Accipiter Gentilis	CS
Smooth Greensnake	Opheodrys Vernalis	SPC
Three-Toed Woodpecker	Picoides Tridactylis	SPC
Western Pearlshell	Margaritifera Falcata	SPC
Western Toad	Bufo Boreas	SPC

An inquiry to the State of Utah, Division of Wildlife Resources, Department of Natural Resources (DWR) regarding any species of concern has been made. No species of concern have been identified by DWR as noted on the attached response.

f. Cultural Resources:

Historically, the annexation area has been, for the most part, undeveloped. There are no historic structures found on the annexation parcels in question. Historic land uses include agriculture, which has been an on-going activity on the Osguthorpe parcel for many years.

g. Geological Features

The RV annexation area contains no significant geological features identified in the State of Utah GIS databases including debris flows, fault lines, landslide areas, liquefaction areas and related phenomena. Several mapped small earthquake epicenters are found on the annexation area as are found throughout the greater Park City area. A review of the databases indicated no known geologic hazards. No known mine hazards were discovered in the area, per PCMC compliance with the mine hazard ordinance.

Round Valley Annexation Petition

The annexation area is outside of the Park City's soils ordinance boundaries.

Existing and Proposed Streets and Roads

No new roads or streets are currently proposed as part of this annexation.

Existing Public and Proposed Utilities

Utility services exist along road R-O-W's which surrounds the annexation parcels. A (Chevron) natural gas main line passes through the North Parcel and the Lost Canyon Water Line passes through the South Parcel. Numerous easements for additional utility corridors, ROW's, access and other uses exist throughout the annexation area and are set forth in the title report. No new utilities are proposed as part of this annexation application.

Location of Proposed Open Space

See discussion of Existing and Proposed Land Uses.

Existing and Proposed Land Uses

Existing land uses in the annexation area, for the most part, are protected open space and passive recreational uses. Agriculture, as noted in the Cultural Resources section, exists and would likely continue in the event of an annexation. Several small parcels, adjacent to Hwy 248, have, historically been utilized for vehicle storage, and related light industrial uses. County zoning in the annexation area consists of "Hillside Stewardship," and "Rural Residential."

The RV annexation area provides a significant recreational amenity to the Park City community. In addition to approximately 30 miles of mixed-use trails in the annexation area, support facilities, outside of the annexation area, including parking lots and trailheads are located at Round Valley Way and Gillmor Way in Quinn's Junction, on Meadows Drive in Park Meadows, and on Old Ranch Road. Deed-restricted open space easements exist on approximately 600 acres of the North Parcel. See Conservation Easement exhibit.

As shown on the attached 1/2-Mile Analysis exhibit, for a ½ mile radius surrounding the RV annexation area, land uses consist of open space, residential uses, resort residential, commercial and light industrial uses. About 1/3 of all lands within ½ mile of the annexation parcels are PCMC incorporated lands and consist of various residential uses (Park Meadows and Prospector), the Park City Golf Course, National Ability Center, Park City Ice Arena, the IHC Hospital and related medical offices, along with undeveloped open space. Zoning consists of SF, POS, ROS, RD, and CT. See attached Zoning Map.

The remaining 2/3 of the lands within ½ mile are located in un-incorporated Summit County. Land uses include the Highway 40 ROW, a small industrial park (Zoned as "Neighborhood Commercial") on the

Round Valley Annexation Petition

east side of Highway 40, low density residential in the Old Ranch Road area, portions of Richardson Flats, and other undeveloped parcels.

Proposed land uses would be consistent with historic and current uses including protected open space with associated recreational uses, agriculture, and light industrial uses. Proposed zoning is ROS and LI, with the FPZ (Frontage Protection Zone) overlay as shown on the attached proposed zone map.

Existing and Proposed Locations of Community Facilities

Existing community facilities in the annexation area consist of the aforementioned trail system and related recreation infrastructure. No community facilities, beyond what currently exists in Round Valley are anticipated as part of this annexation. The Weber Water Conservation District, with input from Park City Water Department and other entities, has analyzed future water demand. As a result of that analysis, a small reservoir or lake may be proposed on a portion of the annexation area with suitable topography. This use is consistent with the proposed ROS zone in which this water body would be proposed to be located. As noted on the Zoning Map, the LI zone within the annexation area could allow for uses, consistent with current community services, including road maintenance and storage facilities or new uses such as relocation of the recycling center.

Consistency with General Plan

The Round Valley Annexation area falls within Park City's Annexation Declaration Boundary and is consistent with objectives set forth in the current General Plan.

Anticipated Timetable for Development

No development is proposed as part of this annexation. Improvements and limited expansion of the trail system and trail system support infrastructure is anticipated on an as-needed basis.

Affordable Housing

No development is proposed as part of this annexation and so no affordable housing component is anticipated.

Public Utilities and Essential Services Analysis

- a. This annexation does not propose any development which would increase the number of school-aged children to the Park City School District.
- b. Capacity of sanitary sewer services-No increase in sanitary sewer services are proposed as part of this annexation.
- c. Other Services-The annexation area abuts existing boundaries of Park City Municipal Corporation. It is surrounded by mixed land use development. Service routes exist for solid waste pick up (private contractor) which is currently afforded to adjacent property owners. All existing municipal and county services are afforded to the proposed annexation property by virtue of its location adjacent

Round Valley Annexation Petition

to Park City Municipal Corporation boundaries and would require no change in the provision of these services as a result of this annexation.

- d. Water disclosure statement: Known water rights associated with the proposed annexation area are limited to two parcels as outlined below:
 - 1. Osguthorpe Parcel (SS-98-X): 102 acre feet with an 1878 priority. The parcel was placed in a conservation easement in 2010, removing development rights and ensuring agricultural use of the property. Park City Municipal has a first right of refusal for purchase or lease of the property to ensure water associated with the parcel remains.
 - 2. Hillcrest Investment LLC Parcel (SS-65-A): 1 acre foot with a 1990 priority has been conveyed to an adjacent parcel outside of the annexation area in 1995.

Fiscal Impact Analysis

The annexation is not anticipated to alter any existing or projected demographic or economic conditions in the Park City area (or in the annexation area itself) as there is no population or economic base within the annexation area. The area surrounding the annexation area consists of commercial development, undeveloped open space, UDOT rights of way and limited industrial/ commercial uses, as shown on the Existing Conditions map. Prior annexation agreements in the surrounding areas include the Park City Heights project (an unconstructed mixed residential project directly to the south of this annexation petition) and Quinn's Junction Partnership project (a proposed movie studio complex, to the southeast) as noted on the Existing Conditions map. To the east is State Route 40 and beyond that is an existing commercial/ industrial complex.

Projected revenue as a result of this annexation would be negligible as no revenue generating activities are proposed.

The projected impact to taxpayers as a result of this annexation would be unchanged from the current conditions. The bulk of the lands are already owned outright or development rights are retained subsequent to this annexation petition by PCMC. Park City municipal services are already afforded to the annexation area resulting from the existing recreational uses of the property.

Tax revenues generated from parcel ownership within the annexation area are minimal. All publicly held lands, including PCMC, The United States of America, and UDOT are tax-exempt. The Osguthorpe parcel pays property taxes, but at a very low rate, as a result of a prior agreement with PCMC to transfer the development rights and its status as a greenbelt property. The undeveloped Hillcrest parcel does pay property taxes. Property tax revenues are not anticipated to increase as a result of this annexation as the proposed land uses would, largely, remain unchanged from current conditions.

Cost of government services, via open space management funds, to the annexation area consist of trail maintenance and expansion and associated infrastructure improvements, noxious weed control, and



Round Valley Annexation Petition

wildfire control and related management activities. Estimated costs are approximately \$100,000 per annum. These costs are expected to remain, relatively, unchanged as a result of this annexation.

Parcel ownership and acreage are noted on the following table.

Round Valley Annexation Petition

Property Ownership NORTH PARCEL	Acres	Owner
Section 27, T1S, R4E, SLB&M:		
Tax No. SS-57-A-X	368.01	PCMC
Tax No. SS-57-2-A-X	29.00	PCMC
Section 28, T1S, R4E, SLB&M:		
Tax No. SS-59-X	203.65	PCMC
Section 33, T1S, R4E, SLB&M:		
Tax No. SS-61-X	40.00	PCMC
Tax No. SS-61-C-X	40.00	PCMC
Tax No. SS-61-D-X	40.00	PCMC
Tax No. SS-61-E-X	40.00	PCMC
Tax No. SS-61-F-X	40.00	PCMC
Section 34, T1S, R4E, SLB&M:		
Tax No. SS-62-A-X	117.73	PCMC
Tax No. SS-62-B-X	40.00	PCMC
Tax No. SS-62-C-X	40.00	PCMC
Tax No. SS-62-D-X	40.00	PCMC
Tax No. SS-62-E-X	40.00	PCMC
Tax No. SS-62-G-X	209.62	PCMC
Tax No. SS-62-A-1-X	10.33	PCMC
Tax No. SS-62-A-1-A-X	143.66	PCMC
SOUTH PARCEL		
Section 35, T1S, R4E, SLB&M:		
Tax No. SS-65-A		
Section 2, T2S, R4E, SLB&M:	0.78	Hillcrest
Tax No. SS-92-A-X		USA
Tax No. SS-92-A-X-X	39.92	PCMC
Tax No. 92-A-1-X	3.38	UDOT
Tax No. SS-95-A-X	2.00	UDOT
Tax No. SS-95-B-X	1.00	PCMC
Tax No. SS-95-C-X	0.06	UDOT
Tax No. SS-95-D-X	2.00	PCMC
Tax No. SS-95-E-X	1.00	PCMC
Tax No. SS-95-I-X	1.00	PCMC
Tax No. SS-95-N-X		
Tax No. SS-95-C-1-X	1.36	PCMC
Section 3, T2S, R4E, SLB&M:		
Tax No. SS-97-A-1-X	80.00	PCMC
Tax No. SS-98-X	121.05	Osguthorpe



Round Valley Annexation Petition

Exhibits

Annexation Plat
Existing Conditions Map
Zoning Map
Conservation Easements Map
Annexation Declaration Map
Slope Map
View Corridors Exhibit
Wildlife Habitat Map
DWR Species response letter
Title Report
Half Mile Land Uses
Existing County Zoning



GARY R. HERBERT
Governor

GREGORY S. BELL
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Wildlife Resources

JAMES F. KARPOWITZ
Division Director

September 12, 2012

Steve Schueler
Alliance Engineering
323 Main Street
Park City, UT 84060

Subject: Species of Concern Near the Park City Annexation Area, Summit County, Utah

Dear Steve Schueler:

I am writing in response to your email dated August 29, 2012 regarding information on species of special concern proximal to the proposed Park City Annexation Area located in Sections 27, 28, 33 and 34 of Township 1 South, Range 4 East, and Sections 2 and 3 of Township 2 South, Range 4 East, SLB&M, in Summit County, Utah.

The Utah Division of Wildlife Resources (UDWR) does not have records of occurrence for any threatened, endangered, or sensitive species within the project area noted above. However, within a two-mile radius there are recent records of occurrence for bobolink, Columbia spotted frog, greater sage-grouse, northern goshawk and short-eared owl, and historical records of occurrence for ferruginous hawk, long-billed curlew and western toad. All of the aforementioned species are included on the *Utah Sensitive Species List*.

The information provided in this letter is based on data existing in the Utah Division of Wildlife Resources' central database at the time of the request. It should not be regarded as a final statement on the occurrence of any species on or near the designated site, nor should it be considered a substitute for on-the-ground biological surveys. Moreover, because the Utah Division of Wildlife Resources' central database is continually updated, and because data requests are evaluated for the specific type of proposed action, any given response is only appropriate for its respective request.

In addition to the information you requested, other significant wildlife values might also be present on the designated site. Please contact UDWR's habitat manager for the central region, Mark Farmer, at (801) 491-5653 if you have any questions.

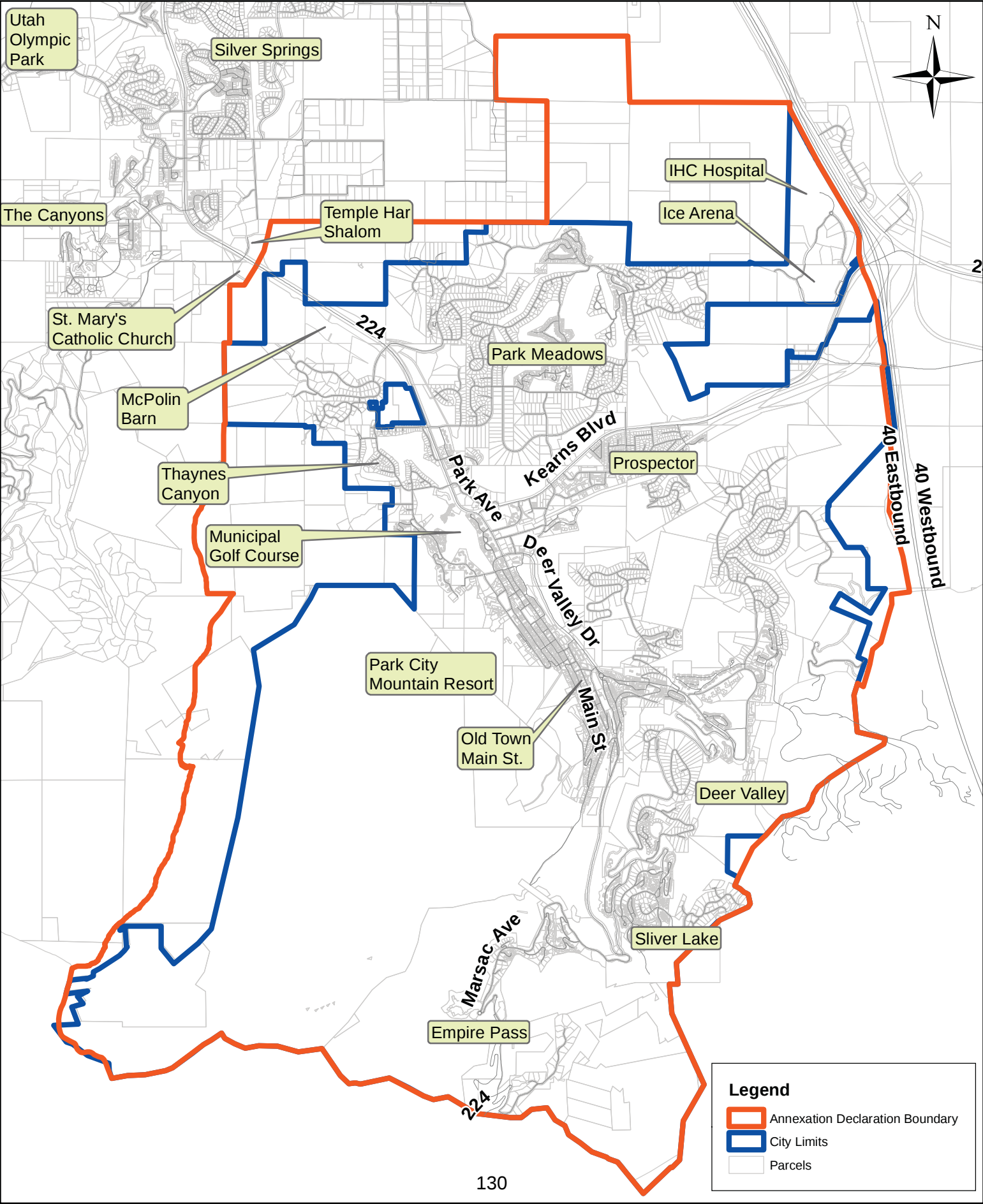
Please contact our office at (801) 538-4759 if you require further assistance.

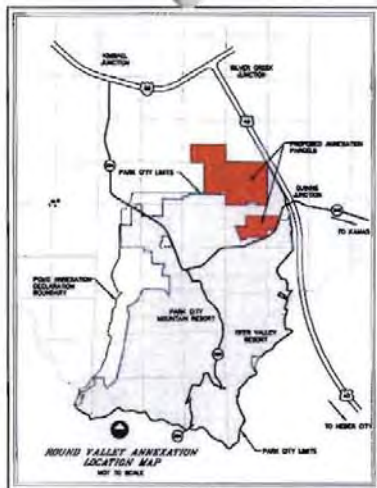
Sincerely,

Sarah Lindsey
Information Manager
Utah Natural Heritage Program

cc: Mark Farmer



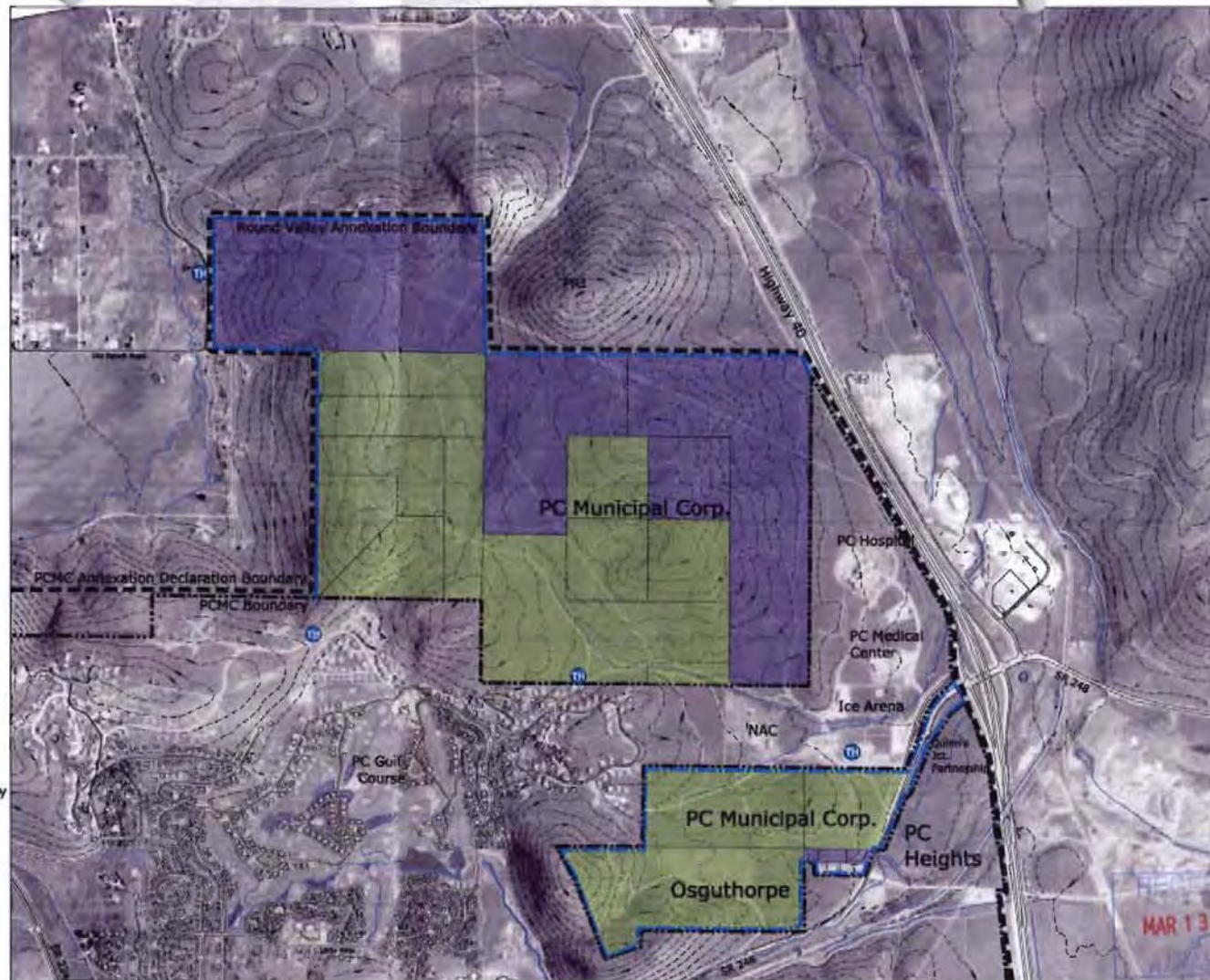




LEGEND

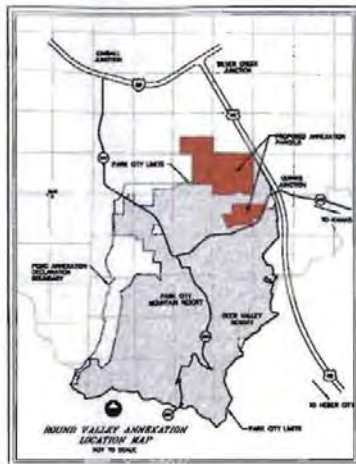
- Annexation lands with existing Conservation Easements
- Annexation lands with existing Deed Restrictions

- Round Valley Annexation Boundary
- PCMC Annexation Declaration Boundary
- Existing PCMC Boundary



MAR 13 2013

 SHOULD HAVE EXISTED - 2000 PLANNING - MOUNTAIN VIEW 2000 State Road 7.0.0001 Park City, Utah 84060-0001	STAFF: STEVE SCHUELER	ROUND VALLEY ANNEXATION PETITION Conservation Easements+Deed Restrictions PARK CITY MUNICIPAL CORPORATION		SHEET 1 OF 1
	DATE: 3/12/13	FOR: PCMC JOB NO.: 7-1-12 FILE: X:\Quinn's Junction\dwg\Coloring Conditions map no ortho.dwg		



Slope Analysis

Color	Layer	Percent	Acres
Yellow	0-15%	55.0	752
Orange	15-40%	44.0	602
Red	40+%	2.0	27
			1,368

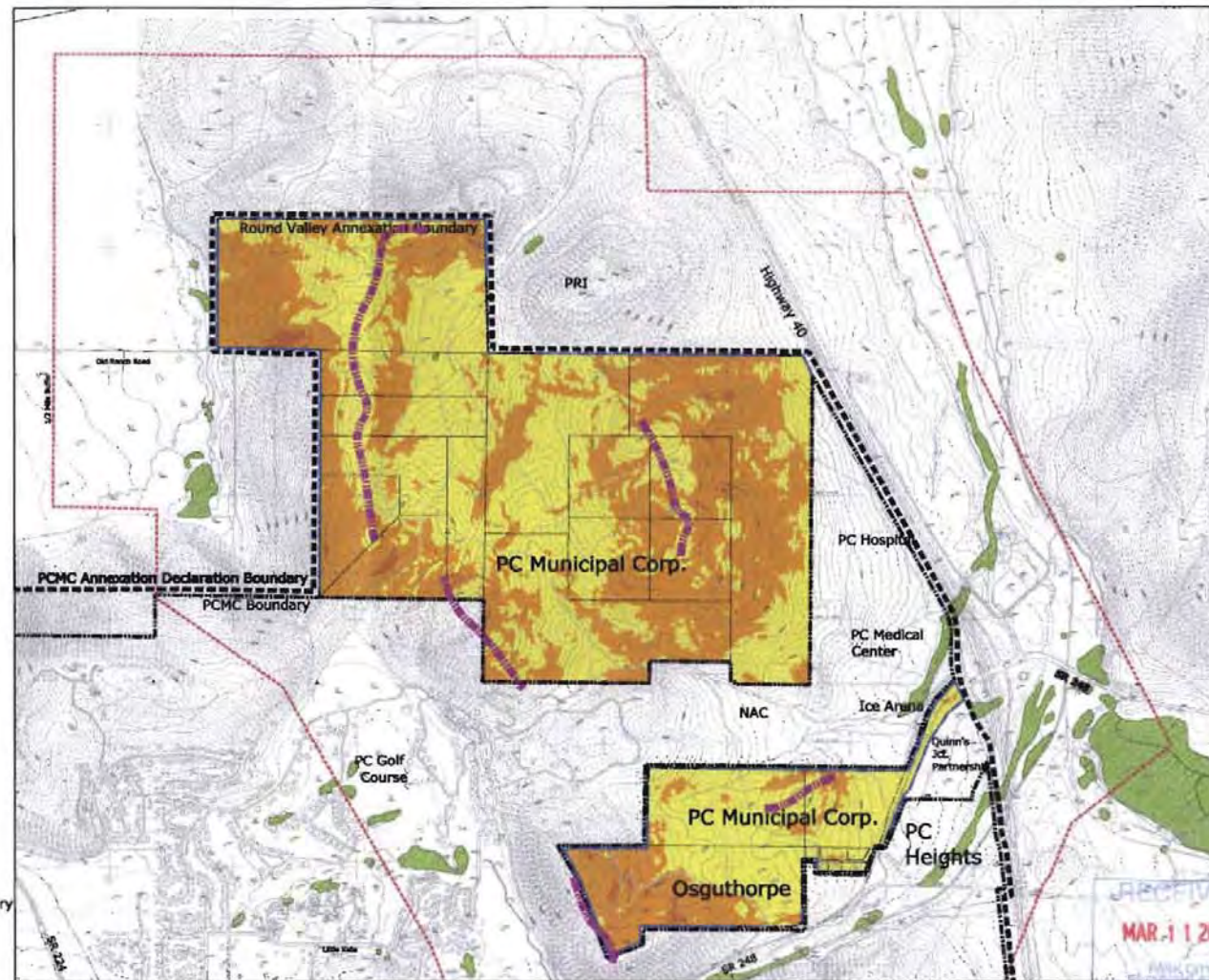
Ridgelines

Prominent Ridges

Wetlands*

Mapped Wetlands

- Round Valley Annexation Boundary
- PCMC Annexation Declaration Boundary
- Existing PCMC Boundary



RECEIVED
MAR 11 2013
PARK CITY
PLANNING DEPARTMENT

* Wetlands data provided by the State of Utah GIS website



	STAFF:	STEVE SCHULDER	ROUND VALLEY ANNEXATION PETITION SENSITIVE LANDS ANALYSIS PARK CITY MUNICIPAL CORPORATION FOR: PCMC JOB: MO-1 7-1-12 FILE: X:\Valley's Junction\Map\Coloring_Cardinals.dwg	SHEET 1 OF 1
	DATE:	2/18/13		

Wildlife Habitat Legend*

-  Mule Deer Habitat
-  Black Bear Habitat
-  Sage grouse-100% of project area
-  Ruffed grouse
-  Blue grouse

* Mapping data downloaded from the State of Utah GIS Portal website

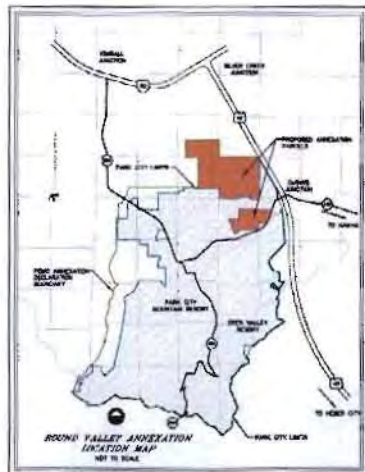


RECEIVED
MAR 11 2013
PAUL D. CITY
PLANNING DEPT.



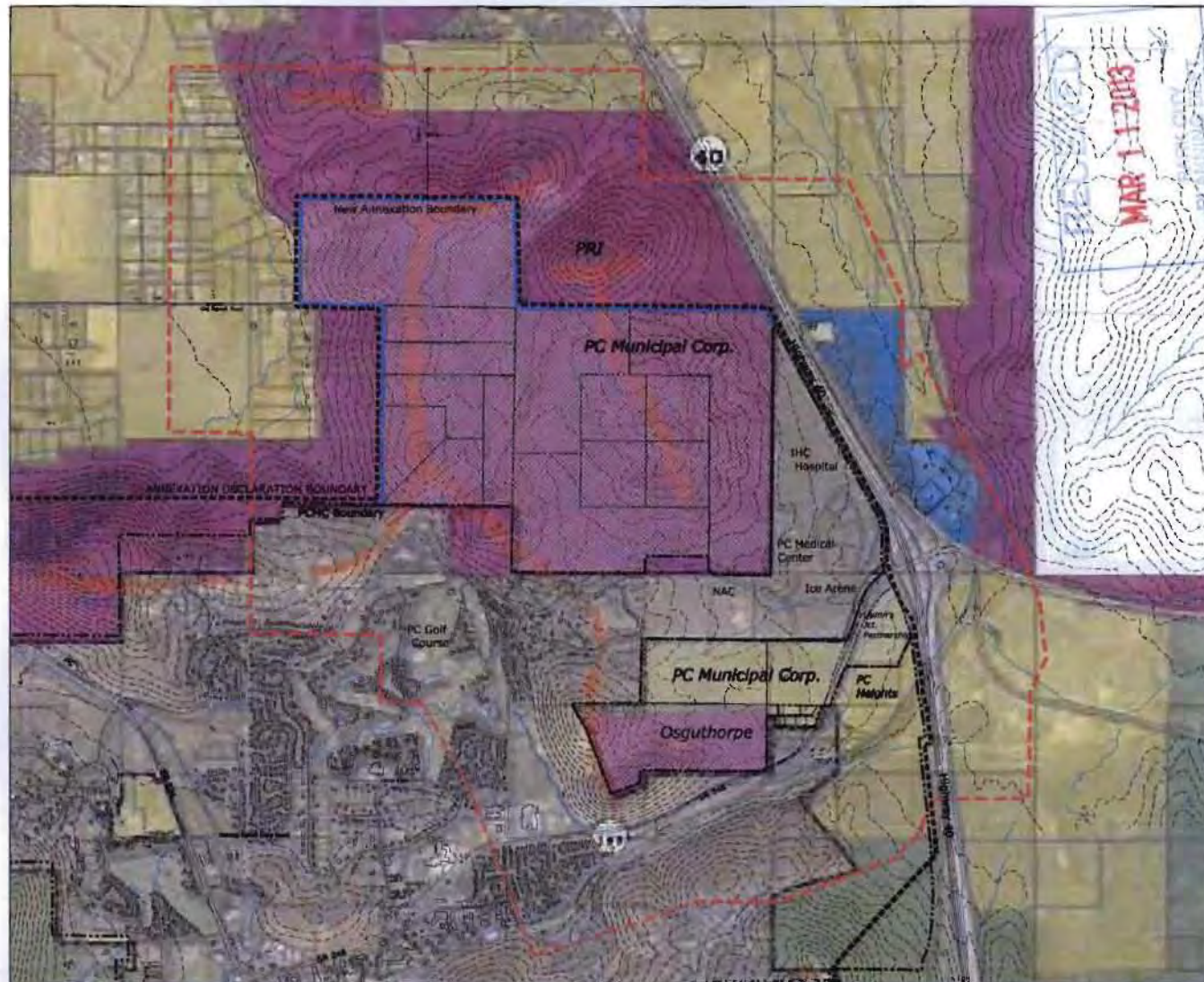
 DESIGNER: CHARTER CONSULTING GROUP, INC. DATE: 2/12/13	STAFF: SIME SCHUELER DATE: 2/12/13	WILDLIFE HABITAT ROUND VALLEY ANNEXATION PARCEL FOR: PCMC JOB NO.: 7-1-13 FILE: X:\Quinn Junction\Annexation 2012\wildlife annex.docx	SHEET 1 OF 1
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EXHIBIT B COUNTY ZONING



LEGEND

- Round Valley Annexation Boundary
- - - - - PCMC Annexation Declaration Boundary
- - - - - Existing PCMC Boundary
- - - - - 1/2 Mile Boundary

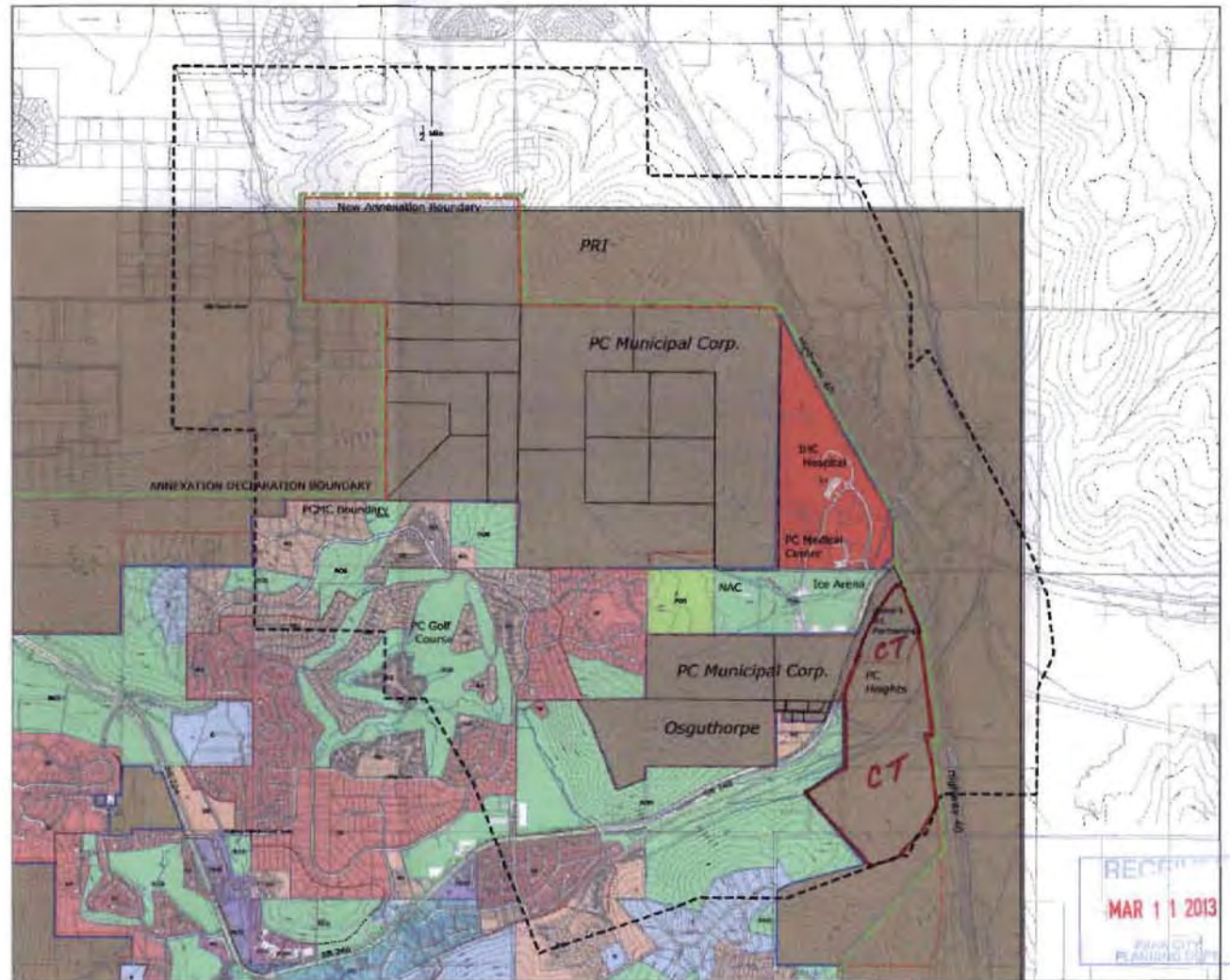


MAR 11 2013



	STAFF: STEVE SCHUELER DATE: 2/18/12	ROUND VALLEY ANNEXATION PETITION EXISTING SUMMIT COUNTY ZONING PARK CITY MUNICIPAL CORPORATION FOR: JOB NO.: 8-4-11 FILE: E:\Admin's Junction\pwp\Existing Conditions.dwg	SHEET 1 OF 1
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EXHIBIT B
CITY ZONING



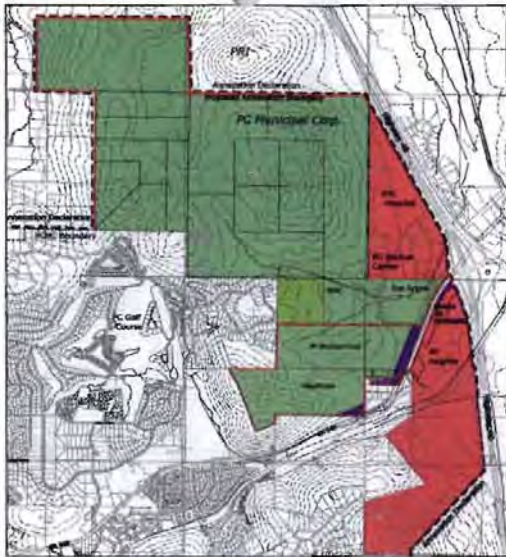
RECEIVED
MAR 11 2013
PARK CITY
PLANNING DEPT.



 CONSULTING ENGINEERS LAND PLANNING SURVEYING 301 Main Street P.O. Box 2007 Park City, Utah 84060-2007	CALL: 801-246-7 STAFF: STEVE SCHWELER DATE: 1/25/12	ROUND VALLEY ANNEXATION PETITION 1/2 MILE PROPERTY LAND USE PARK CITY MUNICIPAL CORPORATION FOR: JOB NO.: 8-9-11 FILE: X:\Duke\1\ Junction\dwg\Exhibing_Condition.dwg	SHEET 1 OF 1
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EXHIBIT B

O O E ZONING



Overall Annexation Area
Not to scale

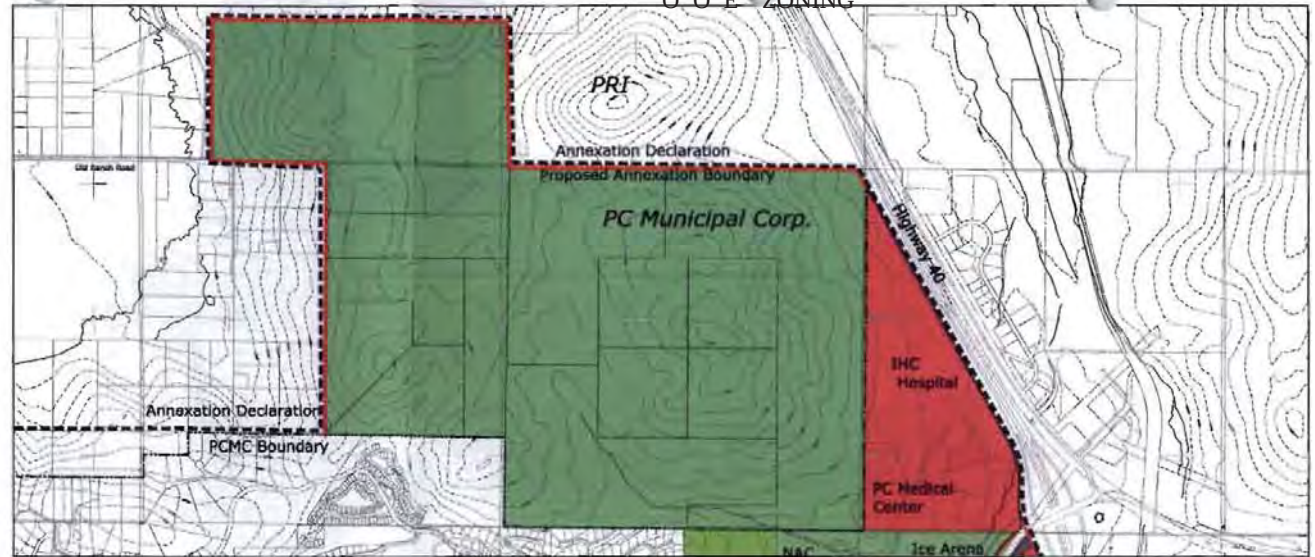
Proposed Zoning

- Recreation Open Space (ROS) [Green Box]
- Preservation Open Space (POS) [Light Green Box]
- Light Industrial (LI) [Blue Box]
- Frontage Protection Zone (FPZ) [Hatched Box]

Zoning-Other, adjacent annexations

- Community Transition (CT) [Red Box]
- Recreation Open Space (ROS) [Green Box]
- Preservation Open Space (POS) [Light Green Box]

- Round Valley Annexation Boundary [Red Dashed Line]
- PCMC Annexation Declaration Boundary [Black Dashed Line]
- Existing PCMC Boundary [Black Solid Line]



North Parcel



South Parcel

COMBINED ENGINEERS LAND PLANNING SERVICES 111 West Street, 4th Floor, Suite 400, Park City, Utah 84302	STAFF: STEVE SCHULLER	ROUND VALLEY ANNEXATION PETITION PROPOSED ZONING PARK CITY MUNICIPAL CORPORATION FOR: PCMC JOB NO.: 7-1-12 FILE: 3/Quinn's Junction/dwg/zoning Map.dwg	SHEET 1 OF 1
	DATE: 3/12/13		

RECEIVED
MAR 15 2013
PARK CITY PLANNING DEPT.

3.13.13

PARK CITY ANNEXATION PLAT

LOCATED IN SECTIONS 28, 33, 34 & 35,
TOWNSHIP 1 SOUTH, RANGE 4 EAST,
AND IN SECTIONS 2 & 3,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE & MERIDIAN,
SUMMIT COUNTY, UTAH

BOUNDARY DESCRIPTION

[illegible]

BOUNDARY DESCRIPTION (CONTINUED)

ALTO INCLUDING THE FOLLOWING

[illegible]

PARCEL IDENTIFICATION

PARK CITY MUNICIPAL COMMISSIONERS MEETING, AS APPLICABLE

- [illegible]

CONTAINING APPROXIMATELY 1,507.94 ACRES

MAR 11 2013

Evergreen
Engineering, Inc.





City Council Staff Report

Subject: Advertising and Sponsorship Sales Agreement for the Park City Ice Arena
Author: Jon Pistey, Arena Operations Manager
Department: Ice
Date: March 21, 2013
Type of Item: Administrative

Summary Recommendations:

Approve the minor Professional Services Agreement (PSA) attached as Appendix A to allow the Ice Arena to enter into an Agreement with Matthew Senske to generate revenue through the sale of advertising space and program sponsorships.

Topic/Description:

The Ice Arena is proposing to generate additional revenue and reduce the subsidy level through entering into an Agreement to have an individual to sell on behalf of the City advertising space and program sponsorship. The proposed PSA is based on the City's core value of paying for performance.

Background:

The Park City Ice Arena opened in February of 2006. In its first fiscal year, the Ice Arena generated \$46K in revenue. At this time, The General Manager was able to devote time to selling advertising space in the facility because the rink was under construction. In the following years, revenue associated with the sale of ad space and sponsorships has declined each year. The decline is directly related to the increase of ice use, longer operating hours and growing programs and the associated rise in ice related revenues which have more than compensated for the loss of ad sales revenue. Due to increased demands on staff time and increase in other revenues, ad sales became a decreasingly important focus, and sales were limited to a few contract renewals and one or two new sponsors who approached the rink.

After the opening of the Arena, Staff made an effort to increase this form of revenue on two separate occasions. The first was in 2007, when the City entered into an agreement with Shindig Marketing and Events to sell naming rights for the ice arena and the Quinn's Junction Sports Complex. The goal at this time was to sell the naming rights for the ice arena for \$1M. The base pay for this contract was \$3,500 per month with an additional \$10,750 for the development of sales materials and 10% commission on the first \$1M raised and 12% commission on any sales over \$1M. The contract was terminated in February of 2008 due to lack of success, but Shindig was paid \$1,500 due to work they performed with Swire Coca Cola that resulted in a 5 year, \$15k sponsorship for the Sports Complex.

The second attempt to increase advertising revenue was in 2010. Jason Glidden issued an RFP for the sale of advertising space at the Ice Arena in January of that year.

The RFP resulted in one proposal submission. Jason and Ken Fisher interviewed the person who submitted the proposal, it was determined that it wasn't in the best interest of the City to pursue the RFP and no contract was granted.

Over the past 8 months, Ice staff has been putting a great deal of thought and effort into developing a plan for advertising and program sponsorship sales. It was decided that an internal part-time commission-based position would create inequities for staff compensation and was not compatible with the City pay plan.

Ice staff felt confident that a pay-for-performance commission based system for sales would realize the best return on investment for the Ice Arena. It was decided that Ice staff would issue an RFP and enter into a PSA with a person or firm for the service. Staff felt that an initial contract period of 6 months would be a good way to test if the program would provide a good return on the investment, and that if sales benchmarks were met, the contract would automatically renew for another year.

The RFP was posted to the City website on November 16, 2012 and the Legal Notice was published in the Park Record on November 17 and November 21, 2010. Although Staff received multiple inquiries regarding the RFP, only one proposal was submitted. A review panel consisting of Jon Pistey, Jason Glidden and Amanda Noel met on November 28 to discuss the proposal. Staff determined that the proposal submitted by Matthew Senske was a good fit with the pay for performance philosophy, and that the submitter's previous experience in sports marketing and ad sales would be beneficial to our organization. In addition, Mr. Senske was employed at the Ice Arena at the time and has a strong understanding of the Ice Arena mission and its programs. Staff contacted Mr. Senske on November 28 to inform him that his was the successful proposal.

Analysis:

Staff has felt over the past two years that larger increases in revenue and the potential to decrease the subsidy for the Ice Arena were becoming limited to two potential areas: advertising sales and retail. Due to the large amount of capital that would be needed to significantly expand the retail operation at the Ice Arena, staff felt the better option would be to pursue advertising sales. Through the life of the Ice Arena, advertising sales has seen the following decline due to lack of staff time available to pursue new sponsors. The chart below shows the decline in advertising sales revenue since the Arena opened in February of 2006:

	FY '06	FY '07	FY '08	FY '09	FY '10	FY '11	FY '12
Revenue	\$45,842	\$28,714	\$23,348	\$12,509	\$7,801	\$10,349	\$6,548

The Agreement allows for a compensation schedule based on a 60/40 split of revenue in favor of the Provider, with payment being determined in the following way:

Month	Base Pay	Payment
1 through 6	\$1000 guaranteed	commission = (total monthly sales x .6) - \$1000
7 through contract end	\$750 only if sale made	commission = (total monthly sales x .6) - \$750

The initial contract term is for 6 months. If a sales goal of \$20K is met, the contract will renew yearly for four more years if a yearly sales goal of \$60K is met. At a maximum payout of \$200k over four years is met, the total revenue for the City will be \$333K. This Agreement also includes the ability to pursue the sale of naming rights with a minimum of \$75K per year in revenue and a minimum of a five year contract with the Ice Arena. Any naming rights sale will require approval from City Council.

The Types of advertising to be sold at the arena include program sponsorships for any rink run programs, such as Learn to Skate, Learn to Play Hockey and adult hockey leagues, and advertising space including banners on the Ice Arena walls, dasher boards, and glass decals.

Department Review:

This report was reviewed by the Recreation, Library, Golf, Budget, Finance, HR, Legal, and Executive departments.

Alternatives:

A. Approve:

Approving the request will allow the Ice Arena to increase revenue and decrease the subsidy.

B. Deny:

Denying the request will mean the Ice Arena will continue to realize minimal revenue from this source.

C. Modify:

Staff will return to Council at a later date based on the requested modifications.

D. Continue the Item:

This will result in the same outcome as modifying the request

E. Do Nothing:

This will have the same effect as denying the request.

Significant Impacts:

Which Desired Outcomes might the Recommended Action Impact?	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
	+ Unique and diverse businesses + Internationally recognized & respected brand		+ Community gathering spaces and places + Entire population utilizes community amenities	+ Fiscally and legally sound + Well-maintained assets and infrastructure + Streamlined and flexible operating processes
	Very Positive 	Neutral 	Positive 	Very Positive 

Funding Source:

Funding will be received through the general fund. A request which shows the expense and revenue offset has been submitted for an FY '14 budget adjustment. This request will have revenue offsets that exceed the expense for an overall benefit to the Ice budget in the General Fund.

Consequences of not taking the recommended action:

The consequence of not taking the recommended action is that the Ice Arena will not be able to maximize revenue generation through advertising and sponsorships.

Recommendation:

Approve the minor Professional Services Agreement (PSA) attached as Appendix A to allow the Ice Arena to generate revenue through the sale of advertising space and program sponsorships.

Attachments:

Minor Professional Service Provider Agreement with Scope of Services

**PARK CITY MUNICIPAL CORPORATION
PROVIDER/PROFESSIONAL SERVICES AGREEMENT
(MINOR SERVICE)**

THIS AGREEMENT is made and entered into in duplicate this ___ day of _____, 2013, by and between PARK CITY MUNICIPAL CORPORATION, a Utah municipal corporation, ("City"), and Matthew Senske, LLC ("Service Provider").

WITNESSETH:

WHEREAS, the City desires to have certain services and tasks performed as set forth below requiring specialized skills and other supportive capabilities; and

WHEREAS, sufficient City resources are not available to provide such services; and

WHEREAS, the service provided exposes the City to minimal insurance risk; and

WHEREAS, the Service Provider represents that the Service Provider is qualified and possesses sufficient skills and the necessary capabilities, including technical and professional expertise, where required, to perform the services and/or tasks set forth in this Agreement.

NOW, THEREFORE, in consideration of the terms, conditions, covenants, and performance contained herein, the parties hereto agree as follows:

1. SCOPE OF SERVICES.

The Service Provider shall perform such services and accomplish such tasks, including the furnishing of all materials and equipment necessary for full performance thereof, as are identified and designated as Service Provider responsibilities throughout this Agreement and as set forth in the "Scope of Services" attached hereto as "Exhibit A" and incorporated herein (the "Project"). The total fee shall not exceed **\$200,000 (two hundred thousand dollars)** over the possible four and a half (4.5) year term of this Agreement.

2. TERM.

A. The term of this Agreement shall commence on the date of execution of this Agreement for a period of 6 months. The term of the Agreement will automatically be extended for an additional 12 months with an overall term of 18 months if, during

the initial 6 month term of the Agreement, Service Provider meets a sales goal of \$20,000 in revenue as calculated in paragraph 3 of this Agreement below.

- B. Option to Renew. If the term is extended to 18 months and total sales meet or exceed \$60,000 over the 18 month term of the Agreement, this Agreement shall automatically renew for an additional year for up to three (3) additional years. The Agreement will automatically expire yearly on the anniversary of the end of the initial 18 month term if an annual revenue goal of \$60,000 is not achieved.
- C. Either party may terminate this Agreement, in whole or in part, at any time, by at least thirty (30) days written notice to the other party pursuant to paragraph 18 below.

3. COMPENSATION AND METHOD OF PAYMENT.

- A. No payment shall be made for any service rendered by the Service Provider except for services identified and set forth in this Agreement.
- B. For all “extra” work the City requires, the City shall pay the Service Provider for work performed under this Agreement as subsequently agreed to by both parties in writing.
- C. The Service Provider shall submit to the City Manager or his designee on forms approved by the City Manager, an invoice for services rendered during the pay period. The City shall make payment to the Service Provider within thirty (30) days thereafter.
- D. Base Salary: The Service Provider shall be paid a base pay of one thousand dollars (\$1,000) per month for the first six (6) months of this Agreement. If the Agreement is extended beyond six months, Service Provider shall be paid seven hundred and fifty dollars (\$750) per month only in those months when there is a billable sale made for the remainder of the Agreement.
- E. Commissions: Commission will be paid monthly upon invoice.
 - 1. The combination of commission and base pay for sales during each month will be equal to 60% of the yearly value of the sales contract. Commission will be calculated by multiplying the total value of new contracts sold during the previous month by .6 and then subtracting the base pay from that amount.
Example: \$3926 total sales value x .6 = \$2355.60 total compensation.
Subtract the base pay from \$2355.60 to determine the commission paid to the provider.

2. Commission is paid based on the non-discounted yearly value of the sales contract, not the actual revenue, for discounted multi-year contracts.

Example: The value of a one year contract on a dasher board ad is \$1,500, but the three-year contract value is based on a 10% discount. Commission is paid on the original yearly value of \$1500, not the discounted price and actual revenue received, \$1350.

3. If the City decides to terminate or not renew the Agreement, The Provider will be paid all commission due on future contracted revenue at a rate of 60% of the value of the contracts. If the provider decides to discontinue service, or can no longer provide service, no commission will be paid on future contracted revenues. If, however, the Service Provider is offered a new or expanded role within the City, part of the terms of leaving this position will be negotiating compensation for future amounts due on contracts.

4. REPORTS AND INSPECTIONS.

- A. The Service Provider, at such times and in such forms as the City may require, shall furnish the City such statements, records, reports, data, and information as the City may request pertaining to matters covered by this Agreement.
- B. The Service Provider shall at any time during normal business hours and as often as the City may deem necessary, make available for examination of all its records and data with respect to all matters covered, directly or indirectly, by this Agreement and shall permit the City or its designated authorized representative to audit and inspect other data relating to all matters covered by this Agreement. The City may, at its discretion, conduct an audit at its expense, using its own or outside auditors, of the Service Provider's activities, which relate directly or indirectly, to this Agreement.

5. INDEPENDENT CONTRACTOR RELATIONSHIP.

- A. The parties intend that an independent Service Provider/City relationship will be created by this Agreement. No agent, employee, or representative of the Service Provider shall be deemed to be an employee, agent, or representative of the City for any purpose, and the employees of the Service Provider are not entitled to any of the benefits the City provides for its employees. The Service Provider will be solely and entirely responsible for its acts and for the acts of its agents, employees, subcontractors or representatives during the performance of this Agreement.
- B. In the performance of the services herein contemplated the Service Provider is an independent contractor with the authority to control and direct the performance of the details of the

work, however, the results of the work contemplated herein must meet the approval of the City and shall be subject to the City's general rights of inspection and review to secure the satisfactory completion thereof.

6. HOLD HARMLESS INDEMNIFICATION.

- A. The Service Provider shall indemnify and hold the City and its agents, employees, and officers, harmless from and shall process and defend at its own expense any and all claims, demands, suits, at law or equity, actions, penalties, losses, damages, or costs, of whatsoever kind or nature, brought against the City arising out of, in connection with, or incident to the execution of this Agreement and/or the Service Provider's defective performance or failure to perform any aspect of this Agreement; provided, however, that if such claims are caused by or result from the concurrent negligence of the City, its agents, employees, and officers, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Service Provider; and provided further, that nothing herein shall require the Service Provider to hold harmless or defend the City, its agents, employees and/or officers from any claims arising from the sole negligence of the City, its agents, employees, and/or officers. The Service Provider expressly agrees that the indemnification provided herein constitutes the Service Provider's limited waiver of immunity as an employer under Utah Code Section 34A-2-105; provided, however, this waiver shall apply only to the extent an employee of Service Provider claims or recovers compensation from the City for a loss or injury that Service Provider would be obligated to indemnify the City for under this Agreement. This limited waiver has been mutually negotiated by the parties, and is expressly made effective only for the purposes of this Agreement. The provisions of this section shall survive the expiration or termination of this Agreement.
- B. Service Provider does hereby remise, release, forever discharge and covenant not to sue PARK CITY MUNICIPAL CORPORATION, its agents, servants, employees, officers, successors and assigns, and/or heirs, executors and administrators, and also any and all other persons, associations and corporations, whether herein named or referred to or not, and who, together with the above named, may be jointly and severally liable to the Service Provider, of and from any and all, and all manner of, actions and causes of action, rights, suits, covenants, contracts, agreements, judgments, claims and demands whatsoever in law or equity, including claims for contribution, arising from and by reason of any and all KNOWN AND UNKNOWN, FORESEEN AND UNFORESEEN bodily and personal injuries or death, damage to property, and the consequences thereof, which heretofore have been, and which hereafter may be sustained by the Service Provider or by any and all other persons,

associations and corporations, whether herein named or referred to or not, from all liability arising out of, in connection with, or incident to the execution of this Agreement

- C. No liability shall attach to the City by reason of entering into this Agreement except as expressly provided herein.

7. INSURANCE.

The City agrees to waive insurance requirement upon Service Provider's agreement to hold the City harmless pursuant to Paragraph 7 (B) above. Service Provider hereby acknowledges that their insurance policy is the primary coverage.

8. TREATMENT OF ASSETS.

Title to all property furnished by the City shall remain in the name of the City and the City shall become the owner of the work product and other documents, if any, prepared by the Service Provider pursuant to this Agreement (contingent on City's performance hereunder).

9. COMPLIANCE WITH LAWS.

- A. The Service Provider, in the performance of this Agreement, shall comply with all applicable federal, state, and local laws and ordinances, including regulations for licensing, certification and operation of facilities, programs and accreditation, and licensing of individuals, and any other standards or criteria as described in this Agreement to assure quality of services.
- B. The Service Provider specifically agrees to pay any applicable fees or charges which may be due on account of this Agreement.
- C. If this agreement is entered into for the physical performance of services within Utah the Service Provider shall register and participate in the E-Verify, or equivalent program. The Service Provider agrees to verify employment eligibility through E-Verify, or equivalent program, for each new employee that is employed within Utah, unless exempted by Utah Code Ann. § 63G-11-103.

10. NONDISCRIMINATION.

- A. The City is an equal opportunity employer.

- B. In the performance of this Agreement, the Service Provider will not discriminate against any employee or applicant for employment on the grounds of race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap; provided that the prohibition against discrimination in employment because of handicap shall not apply if the particular disability prevents the proper performance of the particular worker involved. The Service Provider shall ensure that applicants are employed, and that employees are treated during employment without discrimination because of their race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap. Such action shall include, but not be limited to: employment, upgrading, demotion or transfers, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and programs for training including apprenticeships. The Service Provider shall take such action with respect to this Agreement as may be required to ensure full compliance with local, state and federal laws prohibiting discrimination in employment.
- C. The Service Provider will not discriminate against any recipient of any services or benefits provided for in this Agreement on the grounds of race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap.
- D. If any assignment or subcontracting has been authorized by the City, said assignment or subcontract shall include appropriate safeguards against discrimination. The Service Provider shall take such action as may be required to ensure full compliance with the provisions in the immediately preceding paragraphs herein.

11. ASSIGNMENTS/SUBCONTRACTING.

- A. The Service Provider shall not assign its performance under this Agreement or any portion of this Agreement without the written consent of the City, and it is further agreed that said consent must be sought in writing by the Service Provider not less than thirty (30) days prior to the date of any proposed assignment. The City reserves the right to reject without cause any such assignment.
- B. Any work or services assigned hereunder shall be subject to each provision of this Agreement and property bidding procedures where applicable as set forth in local, state or federal statutes, ordinance and guidelines.
- C. Any technical/professional service subcontract not listed in this Agreement, must have express advance approval by the City.

- D. Each subcontractor that physically performs services within Utah shall submit an affidavit to the Service Provider stating that the subcontractor has used E-Verify, or equivalent program, to verify the employment status of each new employee, unless exempted by Utah Code Ann. 63G-11-103.

12. CHANGES.

Either party may request changes to the scope of services and performance to be provided hereunder, however, no change or addition to this Agreement shall be valid or binding upon either party unless such change or addition be in writing and signed by both parties. Such amendments shall be attached to and made part of this Agreement.

13. MAINTENANCE AND INSPECTION OF RECORDS.

- A. The Service Provider shall maintain books, records and documents, which sufficiently and properly reflect all direct and indirect costs related to the performance of this Agreement and shall maintain such accounting procedures and practices as may be necessary to assure proper accounting of all funds paid pursuant to this Agreement. These records shall be subject at all reasonable times to inspection, review, or audit by the City, its authorized representative, the State Auditor, or other governmental officials authorized by law to monitor this Agreement.
- B. The Service Provider shall retain all books, records, documents and other material relevant to this Agreement for six (6) years after its expiration. The Service Provider agrees that the City or its designee shall have full access and right to examine any of said materials at all reasonable times during said period.

14. POLITICAL ACTIVITY PROHIBITED.

None of the funds, materials, property or services provided directly or indirectly under the Agreement shall be used for any partisan political activity, or to further the election or defeat of any candidate for public office.

15. PROHIBITED INTEREST.

No member, officer, or employee of the City shall have any interest, direct or indirect, in this Agreement or the proceeds thereof.

16. MODIFICATIONS TO TASKS AND MISCELLANEOUS PROVISIONS.

- A. All work proposed by the Service Provider is based on current government ordinances and fees in effect as of the date of this Agreement.
- B. Any changes to current government ordinances and fees which affect the scope or cost of the services proposed may be billed as an “extra” pursuant to Paragraph 3(C), or deleted from the scope, at the option of the City.
- C. The City shall make provision for access to the property and/or project and adjacent properties, if necessary for performing the services herein.

17. TERMINATION.

- A. Either party may terminate this Agreement, in whole or in part, at any time, by at least thirty (30) days written notice to the other party. The Service Provider shall be paid its costs, including contract close-out costs, and profit on work performed up to the time of termination. The Service Provider shall promptly submit a termination claim to the City. If the Service Provider has any property in its possession belonging to the City, the Service Provider will account for the same, and dispose of it in a manner directed by the City.
- B. If the Service Provider fails to perform in the manner called for in this Agreement, or if the Service Provider fails to comply with any other provisions of the Agreement and fails to correct such noncompliance within three (3) days written notice thereof, the City may immediately terminate this Agreement for cause. Termination shall be effected by serving a notice of termination on the Service Provider setting forth the manner in which the Service Provider is in default. The Service Provider will only be paid for services performed in accordance with the manner of performance set forth in this Agreement. If the City fails to comply with the terms of the Agreement and does not correct the issue within three (3) days written notice, the Provider may terminate the agreement and the City will pay all remaining commission due on current and future contracts within 14 days of termination of the Agreement.

18. NOTICE.

Notice provided for in this Agreement shall be sent by certified mail to the addresses designated for the parties on the last page of this Agreement.

19. ATTORNEYS FEES AND COSTS.

If any legal proceeding is brought for the enforcement of this Agreement, or because of a dispute, breach, default, or misrepresentation in connection with any of the provisions of this Agreement, the prevailing party shall be entitled to recover from the other party, in addition to any other relief to which such party may be entitled, reasonable attorney's fees and other costs incurred in that action or proceeding.

20. JURISDICTION AND VENUE.

- A. This Agreement has been and shall be construed as having been made and delivered with the state of Utah, and it is agreed by each party hereto that this Agreement shall be governed by laws of the state of Utah, both as to interpretation and performance.
- B. Any action of law, suit in equity, or judicial proceeding for the enforcement of this Agreement, or any provisions thereof, shall be instituted and maintained only in any of the courts of competent jurisdiction in Summit County, Utah.

21. SEVERABILITY.

- A. If, for any reason, any part, term, or provision of this Agreement is held by a court of the United States to be illegal, void or unenforceable, the validity of the remaining provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.
- B. If it should appear that any provision hereof is in conflict with any statutory provision of the state of Utah, said provision, which may conflict therewith shall be deemed inoperative and null and void insofar as it may be in conflict therewith, and shall be deemed modified to conform in such statutory provisions.

22. **ENTIRE AGREEMENT.**

The parties agree that this Agreement is the complete expression of the terms hereto and any oral representations or understandings not incorporated herein are excluded. Further, any modification of this Agreement shall be in writing and signed by both parties. Failure to comply with any of the provisions stated herein shall constitute material breach of contract and cause for termination. Both parties recognize time is of the essence in the performance of the provisions of this Agreement. It is also agreed by the parties that the forgiveness of the nonperformance of any provision of this Agreement does not constitute a waiver of the provisions of this Agreement.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed the day and year first hereinabove written.

PARK CITY MUNICIPAL CORPORATION

445 Marsac Avenue
Post Office Box 1480
Park City, UT 84060-1480

Diane Foster, Acting Interim City Manager

Attest:

City Recorder's Office

Approved as to form:

City Attorney's Office

SERVICE PROVIDER:

Name: Matthew Senske

Address: 900 Bitner Rd. # G34

City/State/Zip: Park City, UT 84098

Tax ID#: _367-96-2575

PC Business License #:_____

Printed Name

Signature

Title

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

On this ____ day of _____, 20__, personally appeared before me _____, whose identity is personally known to me/or proved to me on the basis of satisfactory evidence and who by me duly sworn/affirmed, did say that he is the (title) ____ of _____, and acknowledged that he/she signed it voluntarily for its stated purpose as _____ (title) for _____, a ____ corporation.

Notary Public

EXHIBIT “A”

SCOPE OF SERVICES

1. Service to be Provided

Matthew Senske agrees to provide the following services for Park City Municipal Corporation:

- Sell advertising space at the Park City Ice Arena and Quinn’s Junction Sports complex in areas agreed upon by both parties.
- Sell sponsorship packages for programs developed and run by the Park City Ice Arena.
- Enter into contracts with service and product suppliers that will help reduce operating expenses or provide other benefits to the operation and programming at the Park City Ice Arena.
- Maintain relationships with current sponsors, ensure payment of contracts, provide direction/support for designing artwork, coordinate production of advertising materials, and ensure timely installation of advertising materials.
- Produce and maintain a spreadsheet for tracking sponsors, contract amounts and commissions. Invoice the Park City Ice Arena monthly for base pay and commission amounts due to the provider.
- Produce a comprehensive price sheet for advertising space and program sponsorships that includes definitions for exactly what the sponsor will receive for that price.
- Work with the Park City Legal Department to finalize a standard sales contract for sponsorship and advertising.
- Communicate with Ice Arena management regarding sales related issues, completed sales, and any proposed contracts that require changes to the price sheet.
- The Provider will have exclusive rights to any current inventory and all potential future advertising at the rink while under contract with the city and that all potential advertisements/sponsorship must go through the Provider.

2. Sponsorship Approval

Ice Arena management can deny the terms of any contract or the appearance of any advertising or sponsorship as it sees fit based on the best interests of the Ice Arena, Park City Municipal Corporation or its guests. The City will not allow sponsorships or advertising from alcohol or

tobacco companies, but may allow sponsorships by restaurants. An example of this type of business would be “Squatters Roadhouse.”

The City, at its sole discretion, may determine not to display any marketing materials it deems inappropriate, unsuitable, or incompatible with the promotion of the City’s core values or mission and may remove displays at any time for any reason without notice.

The Service Provider will meet with Ice Arena management to discuss any potential issues a new sponsorship may cause. The provider will also meet with Ice Arena management to discuss any changes to the established pricing for sponsorships.

3. In-Kind Sponsorships

The provider will meet with the Finance Manager to ensure understanding of all laws regarding the proper execution of in-kind sponsorships, and the provider agrees to ensure that all applicable laws are followed in the pursuit and execution thereof.

4. Naming Rights

The sale of naming rights for the Park City Ice Arena will require City Council approval. Commission for the sale of naming rights will be 40% of the yearly value of the contract. Naming rights must be approved by City Council, and will not be considered unless the contract amount is a minimum of \$75,000 per year for a minimum of 5 years.

5. Expenses

The provider is responsible for all expenses related to the scope of work.

6. Work Space

The provider will be allowed to work from the Park City Ice Arena, and will be allowed the use of City phones and computers for the sole purpose of communicating with current and prospective sponsors.

7. Attire

The provider will be loaned Park City Ice Arena logoed apparel to wear as a representative of the Park City Ice Arena to reinforce branding and ensure a professional appearance. Any apparel is the property of Park City Ice Arena and must be returned at the end of the Agreement.

City Council Staff Report



Application #: PL-13-01813
Subject: 520 Park Avenue Replat
Author: Francisco Astorga, Planner
Date: March 21, 2013
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the City Council hold a public hearing and consider approving the 520 Park Avenue Replat based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Description

Applicant: Chase Bickmore, represented by Hal Timmons
Location: 520 Park Avenue
Zoning: Historic Residential (HR-2) District
Adjacent Land Uses: Residential
Reason for Review: Plat amendments require Planning Commission review and City Council action

Proposal

Plat Amendment request to combine two (2) Old Town lots one (1) lot of record. The site at 520/522 Park Avenue is currently vacant.

Purpose

The purpose of the HR-2 District is to:

- A. allow for adaptive reuse of Historic Structures by allowing commercial and office Uses in Historic Structures in the following Areas: Upper Main Street; Upper Swede Alley; and Grant Avenue,
- B. encourage and provide incentives for the preservation and renovation of Historic Structures,
- C. establish a transition in Use and scale between the HCB, HR-1, and HR-2 Districts, by allowing Master Planned Developments in the HR-2, Subzone A,
- D. encourage the preservation of Historic Structures and construction of historically Compatible additions and new construction that contributes to the unique character of the Historic District,
- E. define Development parameters that are consistent with the General Plan policies for the Historic core that result in Development that is Compatible with Historic Structures and the Historic character of surrounding residential neighborhoods and consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites and the HR-1 regulations for Lot size, coverage, and Building Height, and

- F. provide opportunities for small scale, pedestrian oriented, incubator retail space in Historic Structures on Upper Main Street, Swede Alley, and Grant Avenue,
- G. ensure improved livability of residential areas around the historic commercial core,
- H. encourage and promote Development that supports and completes upper Park Avenue as a pedestrian friendly residential street in Use, scale, character and design that is Compatible with the historic character of the surrounding residential neighborhood,
- I. encourage residential development that provides a range of housing opportunities consistent with the community's housing, transportation, and historic preservation objectives,
- J. minimize visual impacts of the automobile and parking by encouraging alternative parking solutions,
- K. minimize impacts of Commercial Uses on surrounding residential neighborhood

Background

On January 15, 2013 the City received a completed Plat Amendment application for the 520 Park Avenue Replat. The property is located at 520 & 522 Park Avenue in the Historic Residential (HR-2) District. The subject site contains parcels PC-124-D-1 and PC-124-D-2. The proposed plat amendment combines most of Lot 43 and all of Lot 44, Block 9 of the Park City Survey into one (1) lot of record. The proposed new lot will be 3,704 square feet in size.

The site is currently vacant. The applicant requests to eliminate the lot line between Lot 43 and Lot 44. In the future the owner is planning on building one (1) single family-dwelling. A building permit cannot be issued for construction across a lot line. In Old Town a Conditional Use Permit (CUP) is required for any structure in excess of 1,000 square feet if said structure and/or access is located upon any existing slope of thirty percent (30%) or greater.

The property owner of Lot 43, Block 9, of the Park City Survey requested a variance from the minimum lot area. In March 2012 the Park City Board of Adjustments granted a variance to the required minimum lot area per Land Management Code (LMC) § 15-2.3-4(A) for Lot 43. The site was 1,829 square feet, making the lot 46 square feet smaller than the minimum lot size of 1,875 square feet.

The area of discrepancy was created by the historic encroachment of the historic building located at 515 Main Street, a Significant Site identified on the Historic Site Inventory (HSI). In February 2012 staff sought Planning Commission input related to the submitted variance and their thoughts in relation to the site at 515 Main Street. The Commission indicated that they supported the Staff's recommendation of granting the variance to keep the smaller Old Town character as it would be in compliance with the various discussions related to the General Plan update.

At this time the property owner requests to combine Lot 43 (minus the 46 square feet they don't own) and Lot 44 to create one lot of record to eventually build one (1) single-

family dwelling surrendering the granted variance which allowed one (1) single family dwelling on each lot.

The Planning Commission reviewed this application during their February 27, 2013 meeting. The Commission forwarded a positive recommendation. The positive recommendation was based on a unanimous vote.

Analysis

The proposed plat amendment creates one (1) lot from almost two (2) Old Town lots within the HR-2 District. The applicant requests to eliminate the shared lot line. Staff has reviewed the proposed plat amendment request and found compliance with the following Land Management Code (LMC) requirements for lot size and width:

	LMC requirement	Proposed
Minimum lot size	1,875 sq. ft.	3,704 sq. ft.
Minimum lot width	25 ft.	50 ft.

Staff finds good cause for this plat amendment. The proposed lot area yields a maximum building footprint of 1,504 square feet. The proposed Plat Amendment removed the need for the variance for Lot 43. The plat amendment reduces the potential density at this property from one (1) unit on each lot to one (1) unit on the combined area; therefore, it also reduces the required parking from four (4) spaces to two (2) spaces. The plat amendment dedicates 10' wide public snow storage easements along Park Avenue. The proposed lot will meet the lot and site requirements of the HR-2 District. According to the Boundary and Topographic Survey, Exhibit B, a shed on the lot north of Lot 43 (526 Park Ave.) encroaches onto Lot 43. This site is not historic as it is not listed on HSI. Staff recommends that the applicant resolves this item by obtaining an encroachment agreement from that neighboring property owner or by removal of the shed encroachment. There are no other violations or non-compliances found on the site dealing with setbacks and other development standards as identified below:

	Permitted
Height	27 feet maximum
Front setback	10 feet minimum
Rear setback	10 feet minimum
Side setbacks	5 feet minimum
Footprint	1,504 square feet maximum
Parking	2
Stories	3 stories maximum

In the future the property owner will have to follow the adopted Historic District Design Guidelines and additional applicable LMC criteria pertaining to development in the HR-2 District.

Process

The applicant will have to submit a Historic District Design Review application, which is reviewed administratively by the Planning Department. A Steep Slope Conditional Use Permit application will be required, which is reviewed by the Planning Commission. They will also have to submit a Building Permit application. Approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

Department Review

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

Notice

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

Public Input

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

Alternatives

- The City Council may approve the 520 Park Avenue Replat as conditioned or amended; or
- The City Council may deny the 520 Park Avenue Replat and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on 520 Park Avenue Replat.
- The City Council may remand the item back to the Planning Commission for specific discussion on topics and/or findings.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The configuration of these two (2) lots would remain as is and no construction could take place across the shared lot line. The property owner would be able to build a single family dwelling on each lot.

Recommendation

Staff recommends the City Council hold a public hearing and consider approving the 520 Park Avenue Replat based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat
Exhibit B – Boundary and Topographic Survey
Exhibit C – County Tax Map
Exhibit D – Site Photographs

Exhibit E – BOA Staff Report

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance No. 13-__

AN ORDINANCE APPROVING THE 520 PARK AVENUE REPLAT LOCATED AT 520 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 520 Park Avenue has petitioned the City Council for approval of the plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on February 27, 2013, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on February 27, 2013, forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 14, 2013, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 520 Park Avenue Re-plat.

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

SECTION 1. APPROVAL. The 520 Park Avenue Re-plat Plat Amendment as shown in Attachment 1 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 520 & 522 Park Avenue.
2. The property is identified as Lot 43 & 44, Block 9 of the Park City Survey.
3. The property is located in the Historic Residential (HR-2) District.
4. The proposed lot is 3,704 square feet in size.
5. The minimum lot size within the HR-2 District is 1,875 square feet.
6. The lot width of the proposed lot is fifty feet (50').
7. The minimum lot width within the HR-2 District is twenty-five feet (25').
8. The maximum footprint for a lot this size is 1,504 square feet.
9. The site is currently vacant with the exception of a non-historic shed that encroaches towards the north area of the lot.
10. There are no other violations or non-compliances found on the site.

11. No remnant parcels of land are created with this plat amendment.
12. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

1. There is good cause for this plat amendment as it removes the need for the variance for Lot 43.
2. The plat amendment reduces the potential density at this property from one (1) unit on each lot to one (1) unit on the combined area; therefore, it also reduces the required parking from four (4) spaces to two (2) spaces.
3. The plat amendment dedicates 10' wide public snow storage easements along Park Avenue.
4. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
5. Neither the public nor any person will be materially injured by the proposed plat amendment.
6. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Modified 13-D sprinklers may be required for new construction as required by the Chief Building Official at the time of review of the building permit submittal.
4. A 10 foot wide public snow storage easement is required along the frontage of the lot with Park Avenue and shall be shown on the plat.
5. The applicant shall resolve the encroachment of the shed on the 526 Park Avenue by obtaining an encroachment agreement from that neighboring property owner or by removal of the shed encroachment.

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

PASSED AND ADOPTED this 14th day of March, 2013.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

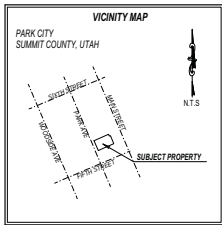
ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

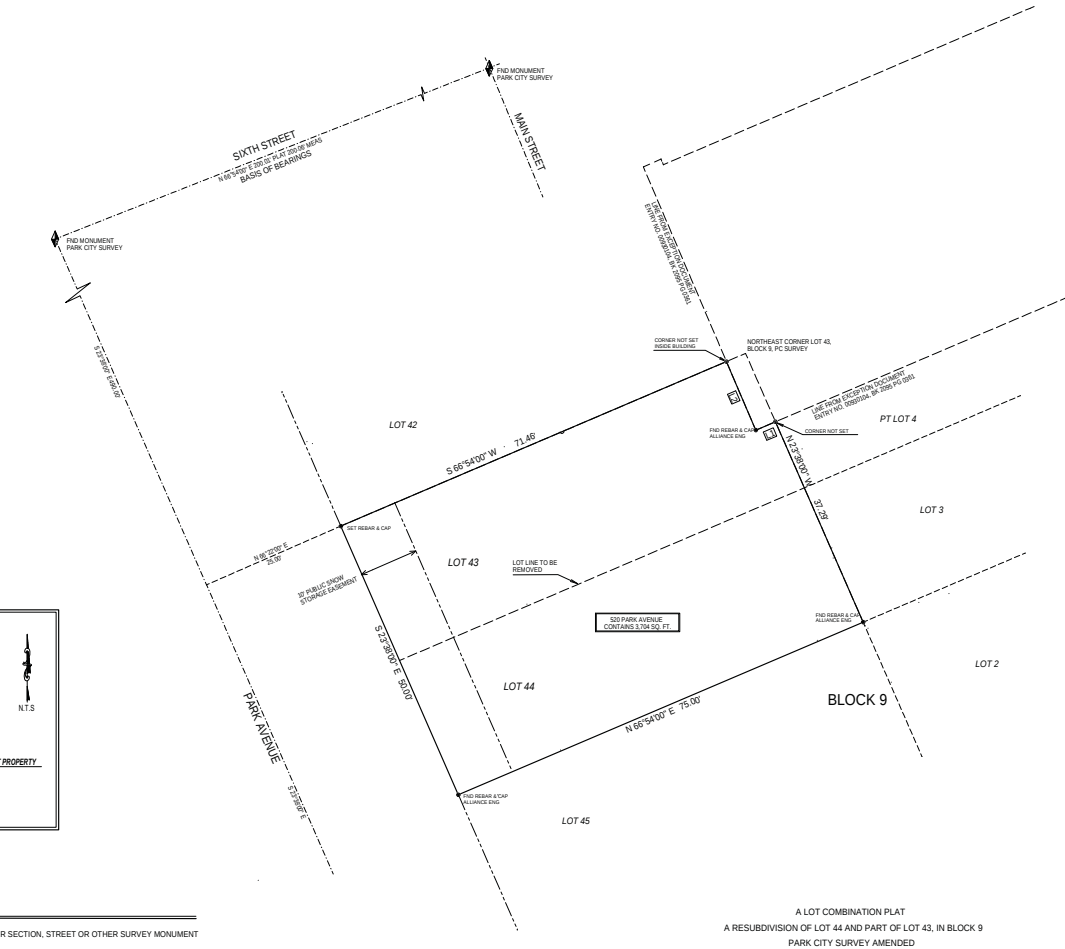
Mark Harrington, City Attorney

Attachment 1 – Proposed Plat



- LEGEND**
- SECTION, QUARTER SECTION, STREET OR OTHER SURVEY MONUMENT
 - PROPERTY CORNER, NOT SET
 - BOUNDARY OR PROPERTY LINE, WITH CORNER, FOUND OR SET
 - RIGHT OF WAY LINE
 - CENTERLINE

LINE TABLE		
Id	Bearing	Distance
1.1	S 89°44'00" W	8.95
1.2	N 23°07'28" W	12.71



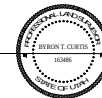
A LOT COMBINATION PLAT
A RESUBDIVISION OF LOT 44 AND PART OF LOT 43, IN BLOCK 9
PARK CITY SURVEY AMENDED

520 PARK AVENUE REPLAT

PART OF BLOCK 9, OF THE AMENDED PLAT OF THE PARK CITY SURVEY, SUMMIT COUNTY, UTAH
LOCATED IN THE SE 1/4 OF SECTION 16, TWP 2 SOUTH, RANGE 4 EAST, SLB & M

SURVEYORS CERTIFICATE

I, BYRON T. CURTIS, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 163486, AS PRESCRIBED BY UTAH STATE LAW. I FURTHER CERTIFY, THAT BY AUTHORITY OF THE OWNER, OR HIS REPRESENTATIVE, THAT I HAVE MADE A SURVEY ON THE GROUND OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAT.



SIGNATURE

DATE

LEGAL DESCRIPTION

FROM WARRANTY DEED RECORDED AT ENTRY NO 00930104, BK 2096, PG 0361-0362

Lot 43, Block 9, PARK CITY SURVEY, according to the official plat thereof on file and of record in the Summit County Recorder's Office, PC-124-D-1

Excepting therefrom any portion lying within the bounds of the following: A parcel of land located in the southeast quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Basin and Meridian, said parcel being more particularly described as follows:
Beginning at a point that is North 23°36'00" West 88.15 feet (rounded 88.08 feet) from the southeast corner of Block 9, Park City Survey, said point also being South 23°36'00" East 502.25 feet and South 66°22'00" West 25.00 feet from the survey monument at the intersection of Main Street and Sixth Street, Park City Survey, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, and running thence South 66°54'00" West 75.71 feet, thence South 23°36'00" East 1.02 feet, thence North 66°54'00" East 75.00 feet to the easterly line of said Block 9, Park City Survey, thence along the easterly line of Block 9 South 23°36'00" East 47.81 feet to the point of beginning.

PARCEL CONTAINS 1829 SQ. FEET, AS SURVEYED

Lot 44, Block 9, PARK CITY SURVEY, according to the official plat thereof on file and of record in the Summit County Recorder's Office, PC-124-D

PARCEL CONTAINS 1875 SQ. FEET, AS SURVEYED

NARRATIVE

PROPERTY SURVEYED AT THE REQUEST OF THE CLIENT FOR THE PURPOSE OF IMPROVING THE PROPERTY. BASES OF BEARINGS AS SHOWN. CORNERS SET WITH REBAR AND CAP STAMPED 103486, UNLESS NOTED OTHERWISE. EASEMENTS MAY EXIST OVER THE PROPERTY. RECORD OR PRESCRIPTIVE, CONTACT PARK CITY TITLE COMPANY FOR THE LOCATION OF RECORD EASEMENTS.

NOTE:

THIS REPLAT IS SUBJECT TO THE CONDITIONS OF APPROVAL IN ORDINANCE 12-08.

OWNERS DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED OWNER(S) OF THE HEREIN DESCRIBED TRACT OF LAND, TO BE KNOWN HEREFTER AS THE 520 PARK AVENUE REPLAT, DOES HEREBY CERTIFY THAT I HAVE CAUSED THIS PLAT TO BE PREPARED, AND I, CHASE BICKMORE, DO HEREBY CONSENT TO THE RECORDATION OF THIS PLAT. ALSO, THE OWNER AND OR HIS/HER REPRESENTATIVES, HEREBY IRREVOCABLY OFFERS FOR DEDICATION TO THE CITY OF PARK CITY ALL STREETS, LAND FOR LOCAL GOVERNMENT USES, EASEMENTS, PARKS AND REQUIRED UTILITIES AND EASEMENTS SHOWN ON THIS PLAT AND CONSTRUCTION DRAWINGS IN ACCORDANCE WITH AN IRREVOCABLE DEDICATION.

EXECUTED THIS ____ DAY OF _____, 2013 A.D.

CHASE BICKMORE

ACKNOWLEDGEMENT

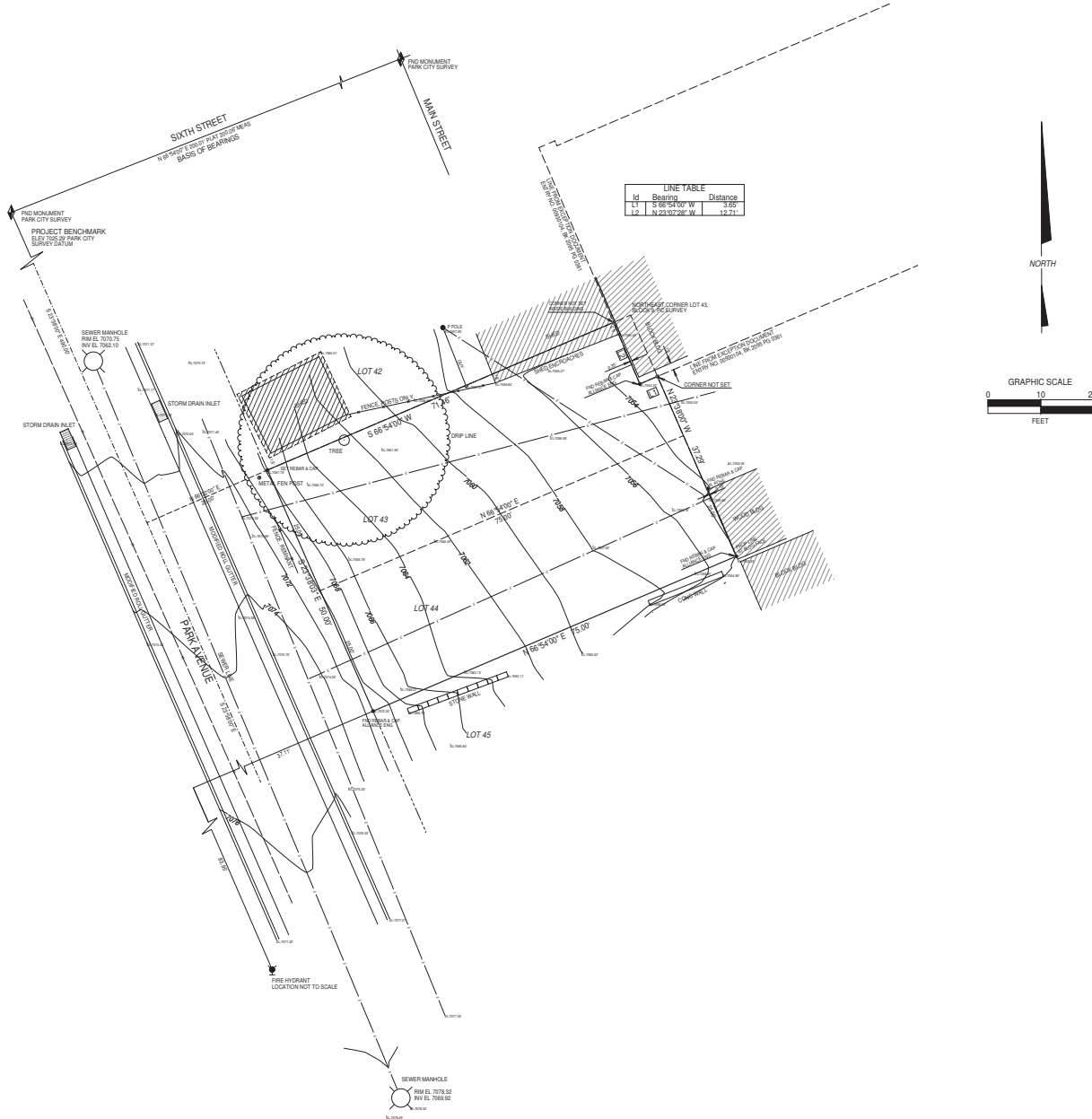
STATE OF _____)
COUNTY OF _____) SS

ON THIS ____ DAY OF _____, 2013 A.D., DID PERSONALLY APPEAR BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID STATE AND COUNTY CHASE BICKMORE, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS THE OWNER OF THE HEREIN DESCRIBED TRACT OF LAND AND THAT AFTER BEING DULY SWORN, SIGNED THE FOREGOING OWNERS CONSENT TO DEDICATE AND RECORD FREELY AND VOLUNTARILY.

____ NOTARY PUBLIC _____ RESIDING AT: _____

MY COMMISSION EXPIRES: _____

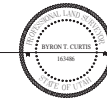
CURTIS & ASSOCIATES	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	PLANNING COMMISSION	ENGINEERS CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	ENTRY # _____ RECORDED
LAND SURVEYORS LAND PLANNING	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF _____, 2013 A.D.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF _____, 2013 A.D.	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE. THIS ____ DAY OF _____, 2013 A.D.	APPROVED AS TO FORM THIS ____ DAY OF _____, 2013 A.D.	I CERTIFY THAT THIS RECORD OF SURVEY WAS APPROVED BY THE PARK CITY COUNCIL THIS ____ DAY OF _____, 2013 A.D.	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF _____, 2013 A.D.	STATE OF UTAH, COUNTY OF SUMMIT: RECORDED AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____ FEE _____ BY _____ SUMMIT COUNTY RECORDER
9921 KRAMER CIR SANDY, UTAH 84070 PHONE (801) 915-6003	BY _____ S.B.W.R.D.	BY _____ CHAIRMAN	BY _____ PARK CITY ENGINEER	BY _____ PARK CITY ATTORNEY	BY _____ PARK CITY RECORDER	BY _____ MAYOR	



SURVEYORS CERTIFICATE

I, BYRON T. CURTIS, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 163486, AS PRESCRIBED BY UTAH STATE LAW. I FURTHER CERTIFY, THAT BY AUTHORITY OF THE OWNER, OR HIS REPRESENTATIVE, THAT I HAVE MADE A SURVEY ON THE GROUND OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAT.

SIGNATURE



DATE _____

LEGAL DESCRIPTION

FROM WARRANTY DEED RECORDED AT ENTRY NO 00930104, BK 2095, PG 0361-0362

Lot 43, Block 9, PARK CITY SURVEY, according to the official plat thereof on file and of record in the Summit County Recorder's Office. PC-124-D-1

Excepting thereof any portion within the bounds of the following: A parcel of land located in the southeast quarter of Section 16, 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 North 23°38'00" West 88.15 feet (prorated 88.08 feet) from the southeast corner of Block 9, Park City Survey, said point also being South 23°38'00" East 502.25 feet and 66°22'00" West 25.00 feet from the survey monument at the intersection of Main Street and Sixth Street, Park City Survey, according to the official plat of record on file and of record in the office of the recorder, Summit County, Utah; and running thence South 65°54'00" East 78.71 feet; thence South 23°38'00" East 1.02 feet; thence North 65°54'00" East 75.00 feet; to the easterly line of said Block 9, Park City, Survey; thence along the easterly line of Block 9 South 23°38'00" East 47.81 feet to the point of beginning.

PARCEL CONTAINS 1829 SQ. FEET, AS SURVEYED

Lot 44, Block 9, PARK CITY SURVEY, according to the official plat thereof on file and of record in the Summit County Recorder's Office. PC-124-D

PARCEL CONTAINS 1875 SQ. FEET, AS SURVEYED

NARRATIVE

PROPERTY SURVEYED AT THE REQUEST OF THE CLIENT FOR THE PURPOSE OF IMPROVING THE
PROPERTY. BASIS OF BEARINGS AS SHOWN. CORNERS SET WITH REBAR AND CAP STAMPED 163486,
UNLESS NOTED OTHERWISE. EASEMENTS MAY EXIST OVER THE PROPERTY, RECORD OR
PRESCRIPTIVE, CONTACT PARK CITY TITLE COMPANY FOR THE LOCATION OF RECORD EASEMENTS.

LEGEND

- | SYMBOL | DESCRIPTION |
|--------|---|
| | SECTION, QUARTER SECTION, STREET OR OTHER SURVEY MONUMENT |
| | PROPERTY CORNER, NOT SET |
| | BOUNDARY OR PROPERTY LINE, WITH CORNER, FOUND OR SET |
| | RIGHT OF WAY LINE |
| | CENTERLINE |
| | FENCE LINE |
| | UTILITY LINE, TYPICAL |
| | SEWER, STORM DRAIN OR OTHER UTILITY MANHOLE |
| | SPOT ELEVATION |
| | MAJOR ELEVATION CONTOUR |
| | MINOR ELEVATION CONTOUR |
| | EDGE OF PAVEMENT, ASPHALT OR GRAVEL |
| | TREE OR BRUSH LINE |

TITLE				CURTIS & ASSOCIATES, INC. LAND SURVEYS LAND PLANNING	
BOUNDARY AND TOPOGRAPHIC SURVEY PREPARED FOR: TFC PROPERTIES, LLC					
LOCATION AND ADDRESS LOT 44, PART OF LOT 43, BLOCK 8, PARK CITY SURVEY 522 AND 520 PARK AVE, PARK CITY, UT SUMMIT COUNTY, UT LOCATED IN THE SE 1/4 OF SECTION 16, TWP 2 SOUTH, RANGE 4 EAST, SLB 1 & M					
DATE:	SEPT 19, 2011	SCALE:	T=1"=10'	FILENAME:	TMONS, TRENT, PARK AVE.PCS
9921 KRAMER CIR SANDY, UT 84092 PHONE: (801) 943-1091					





Board of Adjustments Staff Report



Application #: PL-11-01391
Subject: Lot 43, Block 9, Park City Survey
Author: Francisco Astorga, Planner
Date: March 6, 2012
Type of Item: Variance

Summary Recommendations

Staff recommends that the Board of Adjustments review the proposed variance to the required minimum lot area per Land Management Code § 15-2.3-4(A), conduct a public hearing, and consider granting the variance based on the findings of facts and conclusion of law.

Description

Applicant: Trent Timmons, TFC Properties LLC, represented by Hal Timmons
Location: 520 Park Avenue (approximately)
Zoning: Historic Residential (HR-2) District
Adjacent Land Uses: Residential on Park Avenue and Commercial on Main Street
Reason for Review: Variances require Board of Adjustment approval

Proposal

The property owner of Lot 43, Block 9, of the Park City Survey requests a variance from the minimum lot area. The site is 1,829 square feet, making the lot 46 square feet smaller than the minimum lot size of 1,875 square feet required in the HR-2 District.

Purpose

The purpose of the Historic Residential (HR-2) District is to:

- A. allow for adaptive reuse of Historic Structures by allowing commercial and office Uses in Historic Structures in the following Areas:
 - 1. Upper Main Street;
 - 2. Upper Swede Alley; and
 - 3. Grant Avenue,
- B. encourage and provide incentives for the preservation and renovation of Historic Structures,
- C. establish a transition in Use and scale between the HCB, HR-1, and HR-2 Districts, by allowing Master Planned Developments in the HR-2, Subzone A,
- D. encourage the preservation of Historic Structures and construction of historically Compatible additions and new construction that contributes to the unique character of the Historic District,
- E. define Development parameters that are consistent with the General Plan policies for the Historic core that result in Development that is Compatible with

Historic Structures and the Historic character of surrounding residential neighborhoods and consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites and the HR-1 regulations for Lot size, coverage, and Building Height, and

- F. provide opportunities for small scale, pedestrian oriented, incubator retail space in Historic Structures on Upper Main Street, Swede Alley, and Grant Avenue,
- G. ensure improved livability of residential areas around the historic commercial core,
- H. encourage and promote Development that supports and completes upper Park Avenue as a pedestrian friendly residential street in Use, scale, character and design that is Compatible with the historic character of the surrounding residential neighborhood,
- I. encourage residential development that provides a range of housing opportunities consistent with the community's housing, transportation, and historic preservation objectives,
- J. minimize visual impacts of the automobile and parking by encouraging alternative parking solutions,
- K. minimize impacts of Commercial Uses on surrounding residential neighborhood.

Background

On November 1, 2011, the City received a complete application for a variance request at 520 Park Avenue. The property is located in the heart of historic Park Avenue within the HR-2 District. The proposed variance request is a waiver/modification of the requirements of the Land Management Code (LMC) related to minimum lot size.

The site is currently vacant with the exception of a non-historic shed that encroaches towards the north area of the lot. The property to the rear which faces Main Street is 515 Main Street, known as the Talisker restaurant site. That property has a small strip of land located on the former rear portion of this parcel where the historic building sits. This strip of land is 3.65 feet wide and 12.71 feet long and is the reason the subject lot does not comply with the minimum lot area requirement. This area was separated from the subject lot by a quit claim deed in 2007 to accommodate the entire historic building to be part of such deed, instead of having the small area of discrepancy belong to another entity.

In the 2009 the City approved the 515 Main Street Plat Amendment, which included the area of the historic building encroachment. To serve as a notice and to protect future ownership, there was a condition of approval on the 515 Main Street Plat Amendment which indicated the following:

- To serve as a notice and to protect future owner the applicant will place a notice of interest on the portion of those lots which they own which indicates that the three (3) lots do not comply with the minimum lot area and that development will not be able to move forward until the issue is resolved. The notice will be recorded at the County Office to aid and facilitate accurate and efficient research on these lots.

The notice was recorded at the County Offices to aid and facilitate accurate and efficient research on these lots. See Exhibit B (515 Main Street City Council staff report). The reduced lot size can be resolved by either a variance or a lot combination.

The applicant, who bought the property in September 2011 from TFC Properties LLC, seeks a variance to the required minimum lot area to be able to build a single family dwelling on a lot that does not comply with the minimum lot area of 1875 square feet. The lot is 46 square feet smaller than the minimum standard due to the encroachment of the historic building.

Analysis

In order to grant the requested variance to the minimum lot area of 1,875 square feet for a single family dwelling, the Board of Adjustment must find that all five (5) criteria located in LMC § 15-10-9 are met. The Applicant bears the burden of proving that all of the conditions justifying a variance have been met.

Criteria 1. Literal enforcement of the LMC would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the LMC. In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under the BOA may not find an unreasonable hardship unless the alleged hardship is located on or associated with the Property for which the variance is sought and comes from circumstances peculiar to the Property, not from conditions that are general to the neighborhood. In determining whether or not the enforcement of the LMC would cause unreasonable hardship the BOA may not find an unreasonable hardship if the hardship is self-imposed or economic.

The unreasonable hardship is that the property owner is prevented from using the lot for the construction of single family dwelling based on the current lot area. The reduced lot size is due to the previous owners selling the area beneath the historic structure (515 Main Street), which was built over 100 years ago and deed to the owners of the historic structure in 2007. When the 515 Main Street plat amendment was approved by the City in 2009 this issue was identified and a notice recorded that indicated that the lot did not comply with the minimum lot area and that development will not be able to move forward until the issue is resolved.

The City sent a letter to the owner of 520 Park Avenue outlining the situation and noting that in order to build on this lot the property owner would have to apply for a variance or combine it with a neighboring lot (Exhibit C-5). So although the plat amendment and the creation of the substandard lot are recent (2009), they memorialized the location of the historic building and subsequent reduction in lot size for 520 Park Avenue.

Also, it is in the best interest of the City's historic preservation goals and current development practices to encourage plat amendments to allow historic buildings to remain on the historic property and to remove ownership lines that historic structures encroach over.

The Park City Survey was mostly platted with lots containing a rectangular configuration of 1,875 square feet, twenty five feet (25') wide by seventy-five feet (75') long. Historically, not all structures were built respecting these platted lot lines, and in some cases the buildings were constructed prior to the platting of these lots. Over time, development practices and policies have changed through the use of modern planning and buildings are required to be placed on the property without encroachments. The existence of the 100 year "encroachment" and subsequent recording of ownership by the adjoining land owner in 2009 allows the Board of Adjustment to consider the hardship to be historic.

Criteria 2. There are special circumstances attached to the Property that do not generally apply to other Properties in the same zone. In determining whether or not there are special circumstances attached to the Property the BOA may find that special circumstances exist only if the special circumstances relate to the hardship complained of and deprive the Property of privileges granted other Properties in the same zone.

The existence of the 100 year encroachment upon the property is a special circumstance that does not generally apply to other properties in the district wherein numerous single family dwellings have been built on the required 1875 square foot lots.

Criteria 3. Granting the variance is essential to the enjoyment of a substantial Property right possessed by other Property in the same zone.

Granting of the variance allows to the applicant the same rights as other property owners in the district. Without the variance the lot would become un-buildable or else lots would have to be combined which would not be as compatible with the other properties in the zone. With the variance the applicant is allowed to propose a single family house with a smaller building footprint that is adjusted by the building footprint formula and based on the smaller lot size.

Criteria 4. The variance will not substantially affect the General Plan and will not be contrary to the public interest.

Granting of the variance allows the construction of a single family dwelling compatible with other sites containing the minimum standard. One of the goals identified on the current General Plan is to ensure that the character of new construction that is architecturally-compatible to the existing historic character of Park City.

The property owner could combine this lot with the lot on the south. A lot combination would allow the property owner to have a buildable lot, however, it would also enable them to have a bigger footprint and build a bigger structure. Given the related compatibility between historic structures and new construction Staff finds that the character of this neighborhood would be better maintained by granting of the variance and allowing smaller structure on the lot.

Criteria 5. The spirit of the Land Management Code is observed and substantial justice done.

The spirit of the Land Management Code is observed and substantial justice done as the LMC lists the following purposes related to residential infill in the HR-2 District:

- encourage the preservation of Historic Structures and construction of historically Compatible additions and new construction that contributes to the unique character of the Historic District,
- define Development parameters that are consistent with the General Plan policies for the Historic core that result in Development that is Compatible with Historic Structures and the Historic character of surrounding residential neighborhoods and consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites and the HR-1 regulations for Lot size, coverage, and Building Height, and [...]

Both items above deal with new construction being compatible with historic structures. This can be accomplished by allowing the property to build on a smaller lot rather than on a lot combination.

Planning Commission Discussion

The City Council and Planning Commission have expressed concerns with the existing LMC maximum footprint regulation and plat amendment process allowing the possibility of larger lots of record yielding larger structures that are incompatible with the development pattern and character of historic Old Town. These issues were discussed in 2007, which outcome was the 2009 LMC amendments that reduced the massing and size of buildings and the adoption of new Design Guidelines for Historic Districts and Historic Sites. These documents specifically rejected further alterations to the maximum footprint table.

Due to the small discrepancy of 46 square feet, granting the variance allows the construction of a single family dwelling compatible with other sites containing the minimum standard. One of the goals identified on the General Plan is to ensure that the character of new construction is architecturally-compatible with the existing historic character of Park City.

The property owner could combine this non-complaint lot with the lot to the south. Staff does not find this to be the optimal solution as the scale of historic structures tends to be smaller than a resulting structure on a combination of two (2) lots. A lot combination would allow the property owner to have a buildable lot, however, it would also enable them to have a bigger footprint and build a bigger structure.

Given the direction that the City Council and Planning Commission provided last August related to floor area/footprint and the related compatibility between historic structures and new construction, Staff finds that the character of this neighborhood would be better

served by granting the variance and allowing a smaller structure, rather than making the property owner combine lots that would enable a compliant, but bigger, lot area yielding a bigger structure that wouldn't be as compatible in scale, volume, and massing as two (2) smaller dwellings. It is also worth noting that the Planning Commission recommended LMC revisions to the HR-2 District in April 2010 that encouraged the construction of single family structures on these lots (along the east side of Park Avenue) to tie into the residential fabric that currently exists on the west side of Park Avenue.

Another option that the applicant could explore is requesting to purchase the area of non-compliance back from the 515 Main Street owner to be able to come up with that minimum standard of 1,875 square feet. This would be facilitated with the cooperation of such rear neighbor and actual re-platting the 515 Main Street site to reflect that the 46 square foot portion of the historic structure would now sit on the applicant's lot and an encroachment agreement would be memorialized to facilitate maintenance, etc. for the encroaching 515 Main Street structure.

On February 08, 2012, staff sought Planning Commission input related to the submitted variance and their thoughts in relation to the 515 Main Street Subdivision. The Commission indicated that they supported the Staff's recommendation of granting the variance to keep the smaller Old Town character as it would be in compliance with the various discussions related to the General Plan update.

In granting a variance, the BOA may impose additional requirements on the applicant that will mitigate any harmful effects of the variance or serve the purpose of the standard or requirement that is waived or modified. Staff does not recommend placing expiration on this variance.

The minimum lot area of 1,875 square feet yields a maximum footprint of 844 square feet. Staff recommends that if a variance granted that the maximum footprint be governed by the footprint formula based on the substandard lot size which would yield the maximum footprint of this site to be 825 square feet based upon the current code. In addition, the setbacks would also have to comply with code requirements.

Process

Any improvements on the lots will require a Historic District Design Review, which are reviewed administratively by the Planning Department. Staff review of a Building Permit is not publicly noticed unless appealed. The approval of this variance request by the Board of Adjustments constitutes Final Action that may be appealed following the procedures found in LMC § 15-10-13.

Department Review

This project has gone through an interdepartmental review, including the Planning Director and City Attorney. No further issues were brought up at that time.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The property would remain as is and no construction could take place over the lot and the area would be an unbuildable lot unless the applicant files a plat amendment application to combine property adjacent to the site to create a lot of legal size.

Recommendation

Staff recommends that the Board of Adjustments review the proposed variance to the required minimum lot area per Land Management Code § 15-2.3-4(A), conduct a public hearing, and consider granting the variance based on the findings of facts and conclusion of law.

Findings of Fact

1. The property is identified as Lot 43, Block 9 of the Park City Survey.
2. The property is located at approximately 520 Park Avenue.
3. The property is within the Historic Residential (HR-2) District.
4. The property owner requests a variance from the minimum lot area of 1,875 square feet to build a single family dwelling.
5. The site is 1,829 square feet, making the lot 46 square feet smaller than the minimum lot size.
6. The site is currently vacant with the exception of a non-historic shed that encroaches towards the north area of the lot.
7. The property to the rear which faces Main Street is 515 Main Street, known as the Talisker restaurant site. The property has a small strip of land located on the former rear portion of this parcel where the historic building sits.
8. The rear property has a small strip of land located on the former rear portion of this site where a portion of a historic Significant building at 515 Main Street.
9. This strip of land is 3.65 feet wide and 12.71 feet long and is the reason the subject lot does not comply with the minimum lot area requirement.
10. The unreasonable hardship is that the property owner is prevented from using the lot for the construction of single family dwelling based on the current lot area.
11. The reduced lot size is due to the previous owners selling the area beneath the historic structure which was built over 100 years ago to the owners of the historic structure in 2007.
12. It is in the best interest of the City's historic preservation goals and current development practices to encourage plat amendments to allow historic buildings to remain on the historic property and to remove ownership lines that historic structures encroach over.
13. The existence of the 100 year encroachment and subsequent recording of ownership by the adjoining land owner in 2009 allows the Board of Adjustment to consider the hardship to be historic.
14. The existence of the 100 year encroachment upon the property is a special circumstance that does not generally apply to other properties in the district wherein numerous single family dwellings have been built on the required 1875 square foot lots.

15. Granting of the variance allows to the applicant the same rights as other property owners in the district.
16. Without the variance the lot would become un-buildable or else lots would have to be combined which would not be as compatible with the other properties in the district.
17. Granting of the variance allows the construction of a single family dwelling compatible with other sites containing the minimum standard.
18. One of the goals identified on the current General Plan is to ensure that the character of new construction that is architecturally-compatible to the existing historic character of Park City.
19. The spirit of the LMC is observed and substantial justice done.
20. The LMC encourage the preservation of historic structures and construction of historically compatible new construction that contributes to the unique character of the Historic District.
21. The LMC defines development parameters that are consistent with the General Plan policies for the Historic core that result in development that is compatible with Historic Structures and the historic character of surrounding residential neighborhoods and consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites.
22. Given the direction that the City Council provided last August related to floor area/footprint and the related compatibility between historic structures and new construction the character of this neighborhood would be better served by granting the variance and allowing a smaller structure, rather than making the property owner combine lots that would enable a compliant, but bigger, lot area yielding a bigger structure that wouldn't be as compatible in scale, volume, and massing as two (2) smaller dwellings.
23. On February 08, 2012 staff sought Planning Commission input related to the submitted variance and their thoughts in relation to the 515 Main Street Subdivision.
24. The Commission indicated that they supported the Staff's recommendation of granting the variance to keep the smaller Old Town character as it would be in compliance with the various discussions related to the General Plan update.

Conclusion of Law

1. Literal enforcement of the HR-2 District requirement that a lot have a minimum area of 1,875 square feet for a single family dwelling causes an unreasonable hardship that is not necessary to carry out the general purpose of the zoning ordinance.
2. There are special circumstances attached to the property that do not generally apply to other properties in the same district in that the building encroachment of the 515 Main Street building has existed over one hundred years.
3. Granting the variance is essential to the enjoyment of substantial property right possessed by other property owners in the same district in that the existing discrepancy created an unbuildable lot due to the encroachment and memorialization of such building encroachment.
4. The proposal is consistent with the General Plan.

5. The spirit of the zoning ordinance is observed by this application.
6. All of the conditions justifying a variance, pursuant to LMC § 15-10-9, have been met.

Order

1. The variance to LMC § 15-2.3-4(A) is hereby granted allowing a lot area of 1,829 square feet for a single family dwelling.
2. The variance runs with the land.

Exhibits

Exhibit A – Survey of the property

Exhibit B – Planning Commission Work Session Staff Report 02.08.2012

Exhibit C – 515 Main Street Plat Amendment Staff Report/Exhibits

1. Staff Report
2. Draft Ordinance
3. Aerial Vicinity Map
4. Survey
5. Letter to Adjacent Property Owner
6. County Plat Map

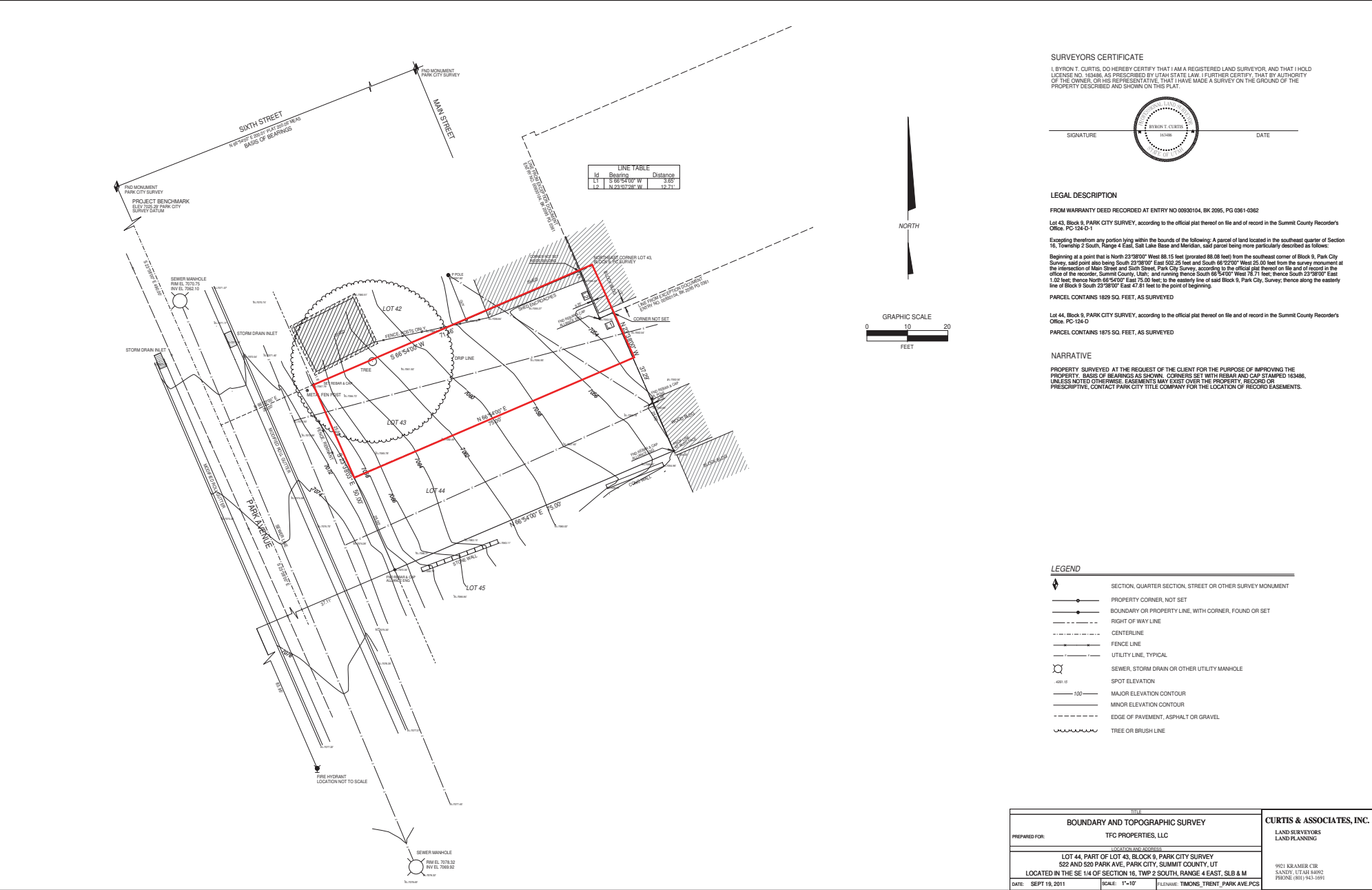
Exhibit D – Recorded Notice

Exhibit E – Planning Commission Minutes 10.28.2009

Exhibit F – Applicant's statement to variance request

Exhibit G – 02.08.2012 Planning Commission Work Session Draft Minutes

EXHIBIT A – SURVEY OF THE PROPERTY



Planning Commission Staff Report



Application #: PL-11-01391
Subject: Lot 43, Block 9, Park City Survey
 Variance Request
Author: Francisco Astorga, Planner
Date: February 8, 2012
Type of Item: Work Session

Summary Recommendations

Staff recommends the Planning Commission provide input and direction to Staff related to a submitted variance. The Board of Adjustment is responsible for granting variances.

Description

Applicant: Trent Timmons, represented by Hal Timmons
Location: 520 Park Avenue (Tax ID no. PC-124-D-1)
Zoning: Historic Residential (HR-2) District
Adjacent Land Uses: Residential
Reason for Review: Review the variance request to provide input to Staff and the Board of Adjustment

Proposal

The property owner of Lot 43, Block 9, of the Park City Survey requests a variance from the minimum lot area. The site is 1,829 square feet. The minimum lot area is 1,875 square feet. The lot is 46 square feet smaller than the minimum lot size.

Background

The property is located at 520 Park Avenue in the heart of historic Park Avenue within the HR-2 District. The site is currently vacant with the exception of a shed that encroaches towards the north area of the lot. This shed is not historic. The property to the rear which faces Main Street is 515 Main Street, known as the Talisker restaurant. That property has a small strip of land located on the former rear portion of this site where the historic building sits. This strip of land is approximately 3.65 feet wide and 12.71 feet long and is the reason the subject lot does not comply with the minimum lot area requirement. The land was deeded to the applicant (constituting an illegal subdivision) by the property owner to the west (who formerly owned the subject property) in 2007.

In the 2009, the City approved the 515 Main Street Plat Amendment, which included the area of the historic building encroachment. To serve as a notice and to protect future ownership, there was a Condition of Approval that the applicant (515 Main Street Plat) place a notice of interest on the portion of the lots which they own indicating that the three (3) lots (including the subject site) do not comply with the minimum lot area and that development will not be able to move forward until the issue is resolved. The notice

was recorded at the County Offices to aid and facilitate accurate and efficient research on these lots. See Exhibit B (515 Main Street City Council staff report.)

The applicant seeks a variance to construct a single family dwelling on a lot that does not comply with the minimum lot area of 1875 square feet. The lot is 46 square feet smaller than the minimum standard due to the encroachment of the historic building.

Discussion Requested

The City Council and Planning Commission have expressed concerns with the existing Land Management Code (LMC) maximum footprint regulation and plat amendment process allowing the possibility of larger lots of record yielding larger structures that are incompatible with the development pattern and character of historic Old Town. These issues were discussed in 2007, which outcome was the 2009 LMC amendments which reduced the massing and size of buildings and adoption of new Design Guidelines for Historic Districts and Historic Sites, but specifically rejected further alterations to the maximum footprint table by imposing a maximum footprint. The City spent additional time last August with analysis and recommendations regarding floor area limitations for new construction, but ultimately nothing was approved as it was recognized that the City's General Plan is currently being updated and may lead to additional analysis and recommendations.

Due to the small discrepancy of 46 square feet, granting the variance allows the construction of a single family dwelling compatible with other sites containing the minimum standard. One of the goals identified on the General Plan is to ensure that the character of new construction is architecturally-compatible with the existing historic character of Park City.

The property owner could combine this non-complaint lot with the lot to the south. Staff does not find this to be appropriate solution as the scale of historic structures tends to be smaller. A lot combination would allow the property owner to have a buildable lot, however, it would also enable them to have a bigger footprint and build a bigger structure.

Given the direction that the City Council and Planning Commission provided last August related to floor area/footprint and the related compatibility between historic structures and new construction, Staff finds that the character of this neighborhood would be better served by allowing a smaller structure rather than making the property owner combine lots that would enable a compliant, but bigger, lot area yielding a bigger structure that might have challenges in meeting the Historic District Design Guidelines in terms of scale, volume, and compatibility. It is also worth noting that the Planning Commission recommended LMC revisions to the HR-2 District in April 2010 that encouraged the construction of single family structures on these lots (along the east side of Park Avenue) to tie into the residential fabric that currently exists on the west side of Park Avenue.

Another option that the applicant could explore is requesting to purchase the area of non-compliance back from the 515 Main Street owner to be able to come up with that minimum standard of 1,875 square feet. This would be facilitated with the cooperation of such rear neighbor and actual re-platting the 515 Main Street site to reflect that the 46 square foot portion of the historic structure would now sit on the applicant's lot and an encroachment agreement would be memorialized to facilitate maintenance, etc.

Process

Any improvements on the lots will require a Historic District Design Review, which are reviewed administratively by the Planning Department. Staff review of a Building Permit is not publicly noticed nor subject to review by the Planning Commission unless appealed. The approval of a variance application by the Board of Adjustments constitutes Final Action that may be appealed following the procedures found in LMC 15-10-13.

Department Review

This project has gone through an interdepartmental review. It has also been reviewed by the Planning Director and City Attorney. No further issues were brought up at that time.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The property would remain as is and no construction could take place over the lot unless the applicant files a plat amendment application to combine property adjacent to the site.

Recommendation

Staff recommends the Planning Commission provide input and direction to Staff related to a submitted variance. The Board of Adjustment is responsible for granting variances.

Exhibits

- Exhibit A – Survey of the property
- Exhibit B – 515 Main Street Plat Amendment Staff Report and Exhibits
- Exhibit C – Recorded Notice
- Exhibit D – Planning Commission Minutes 10.28.2009
- Exhibit E – Applicant's statement to variance request

EXHIBIT C-1 STAFF REPORT

City Council Staff Report

Subject: 515 Main Street
Author: Francisco Astorga
Date: November 12, 2009
Type of Item: Administrative – Plat Amendment



Summary Recommendations

Staff recommends the City Council review the application, hold a public hearing and consider approving the 515 Main Street Plat Amendment based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Description

Applicant: Talisker Main Street LLC, represented by David Smith
Location: 515 Main Street
Zoning: Historic Commercial Business (HCB) District
Adjacent Land Uses: Retail
Reason for Review: Plat amendments require Planning Commission review and City Council approval

Purposes of the HCB District

The purpose of the Historic Commercial Business (HCB) District is to:

- A. preserve the cultural heritage of the City's original Business, governmental and residential center,
- B. allow the Use of land for retail, commercial, residential, recreational, and institutional purposes to enhance and foster the economic and cultural vitality of the City,
- C. facilitate the continuation of the visual character, scale, and Streetscape of the original Park City Historical District,
- D. encourage the preservation of Historic Structures within the district,
- E. encourage pedestrian-oriented, pedestrian-scale Development,
- F. minimize the impacts of new Development on parking constraints of Old Town,
- G. minimize the impacts of commercial Uses and business activities including parking, Access, deliveries, service, mechanical equipment, and traffic, on surrounding residential neighborhoods,

- H. minimize visual impacts of automobiles and parking on Historic Buildings and Streetscapes, and
- I. support Development on Swede Alley which maintains existing parking and service/delivery operations while providing Areas for public plazas and spaces.
- J. maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.

Background

On April 1, 2009 the City received a completed application for the 515 Main Street Plat Amendment. The property is located at 515 Main Street in the HCB District. The proposed plat amendment combines Lot 5 and portions of Lot 4, 6, 41, 42, and 43 in Block 9, Park City Survey into one lot of record. The proposed new lot will be 3,757 square feet in size.

The site has been identified as a Significant Site by the Historic Site Inventory adopted by the Historic Preservation Board in February 2009. The site is located in the heart of historic Main Street, which is surrounded by commercial/retail land use. The subject area is surrounded by Landmark Sites to the North and the South. The site to the south (511 Main St.) has a one-story frame 1-part block building, built in the 1910's, which houses a retail shop. The site to the north (523 Main St.) has a two-story frame 2-part block building, built circa 1900, which houses also houses a retail shop.

The applicant wishes to combine the lots into one (1) lot to facilitate the use of a new outdoor dining area on the property. A Historic District Design Review application was submitted to the City which included adding a retractable awning, bracing the front façade, adding mechanical equipment on the roof, and adding clerestory windows on the south elevation towards the rear of the building. Work also included building an outdoor patio. Staff found the request compliant with the Historic District Design Guidelines. A building permit was issued for the work, since most of the requested work did not take place over the lot lines. The Park City Building Dept. gave a conditional permit for the work on the patio with a condition that the plat amendment be approved which removes the under lying lot lines. An administrative Conditional Use Permit for the outdoor dining was also submitted to the City for review. It was determined by the City that that the plat amendment application had to be approved prior to the consideration of the outdoor dining permit.

Other than building permits, sign permits and Sundance related permits, there have been no land use applications for the building or the lots.

The Planning Commission reviewed this request during their October 28, 2009 regular meeting. A public hearing was held and the Commission forwarded a positive recommendation to the City Council. No public comments were made.

Analysis

The proposed plat amendment creates one (1) lot from Lot 5 and portions of Lots 4, 6, 41, 42, and 43 in Block 9, Park City Survey, within the HCB District. Staff has reviewed the proposed plat amendment and found compliance with the following Land Management Code (LMC) requirements for lot area, size and width:

	LMC requirement	Proposed
Minimum lot area	1,250 sq. ft.	3,757 sq. ft.
Minimum lot width	25 ft.	47.81 ft.
Minimum lot depth	50 ft.	78.71 ft.

Staff finds good cause for this plat amendment as the combined lot will clean up the various lot lines through the Historic Site, including the building. The combination will also facilitate the use of an outdoor dining area on the pad located north of the building, which meets the purpose of the HCB District. All future construction must comply with the LMC requirements for the HCB District including compliance of the Design Guidelines for Historic Districts.

There is a small strip of land located on the rear portion of this site which contains portions of Lot 41, 42, and 43 and are part of this lot combination. This strip of land is approximately 3.5 feet wide. The historic building was built on top of these lots as indicated on the submitted survey (Exhibit C). The building encroachment on the rear lots is approximately 114 square feet. The land was deeded to the applicant (constituting an illegal subdivision) by the property owner to the west (who formerly owned the subject property) in 2007.

The three residential lots located to the rear of the subject property do not comply with the minimum lot area requirement within the Historic Residential (HR-2) District, which is 1,875 square feet, as prescribed in LMC §15-2.3-4(A). The affected lots are Lot 41, 42, and 43 of Block 9 of the Park City Survey, parcel no: PC-143, PC-124-D, and PC-124-D-1, respectively. Staff has notified the property owner of this non-compliance (Exhibit D) outlining the issue and their specific options for future development, which includes a request to the Board of Adjustments for a variance or a plat amendment application which would comply with current development standards.

To serve as a notice and to protect future ownership Talisker is placing a notice of interest on the portion of those lots which they own which indicates that the three (3) lots do not comply with the minimum lot area and that development will not be able to move forward until the issue is resolved. The notice will be recorded at the County Offices to aid and facilitate accurate and efficient research on these lots (see Exhibit D).

The building located to the south, 511 Main Street (Landmark Site), sits on the remaining bottom portion of Lot 4 and also on the top portion of Lot 3. The lot line goes right through the middle of the building (see Exhibit C). The building located to the north, 523 Main Street (Landmark Site), sits on the remaining top portion of Lot 6. It

also encroaches six inches (6") on to the area owned by the applicant for the entire length of the building. The applicant is willing to grant the owner of this building consent to encroach. Both of these Landmark Sites do not comply with the minimum lot width requirement of twenty-five feet (25') or the minimum lot area of 1,250 square feet. Because of the historic nature of the sites, which includes these historic buildings, Staff does not find a dilemma with these discrepancies.

Planning Commission Discussion

Due to the age of the building (built circa 1898) it can be determined that the rear building encroachment has existed for over a hundred years and has acquired historical significance. The rear encroachment addition is shown on the 1900 and 1907 Sanborn Insurance Maps, which matches the 1968 tax record and the existing footprint of the building, which is 73 feet deep by 32 feet wide. Staff estimates that this rear encroachment addition was built sometime between 1889 and 1900. Also according to the applicant Coalition Title has confirmed that the strip along the north side of 515 Main Street (i.e., the south half of Lot 6) was acquired by previous property owner just over 20 years ago but Lot 6 was actually split into its current configuration in 1895, which matches the approximate date of when the building was constructed, circa 1900. Even though the lots have not been requested to be re-configured until now, there is an indication that the current configuration was historically distinguished.

The site to the west, 526 Park Avenue, Lot 41, has a front-facing gable-roofed frame house built circa 1897. This site has been identified as a Significant Site by the Historic Site Inventory. The submitted survey (Exhibit C) also shows a small storage shed towards the back, which is not listed in the Historic Site Inventory. Lots 42 and 43 are both vacant lots with the exception of the storage shed towards the back as shown on Exhibit C. This shed is also not listed in the Historic Site Inventory. The survey also shows that the roof of the storage shed is attached to the 515 Main Street building. The applicant is willing to grant the owner of this storage shed a consent to encroach, which outlines the flashing affixed to the shed is also attached to the building.

Staff discussed this lot combination with the Planning Commission during their October 28, 2009 meeting. The Planning Commission concurred with Staff with the conclusion of good cause for this plat amendment. Approval of this lot combination will clean up the lot lines on site, memorializing the Park City Survey lot and remaining lot portions into one lot of record but at the same time it will create three (3) non-compliant lots on Park Avenue and two (2) non-compliant lots on Main Street.

Process

The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Staff review of a Building Permit is not publicly noticed nor subject to review by the Planning Commission unless appealed.

Department Review

This project has gone through an interdepartmental review. All items have been addressed throughout this staff report.

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 515 Main Street Plat Amendment as conditioned or amended; or
- The City Council may deny the 515 Main Street Plat Amendment and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on 515 Main 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 lots would remain as is. No construction across lot lines could occur.

Recommendation

Staff recommends the City Council review the application, hold a public hearing and consider approving the 515 Main Street Plat Amendment based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance

Exhibit B – Aerial Photograph

Exhibit C – Survey

Exhibit D – Letter to adjacent (rear) property owner

Exhibit E – County Tax Map

Exhibit A: Draft Ordinance

Ordinance No. 09-

AN ORDINANCE APPROVING THE 515 MAIN STREET AVENUE PLAT AMENDMENT LOCATED AT 515 MAIN STREET, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 515 Main Street has petitioned the City Council for approval of the plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on October 28, 2009, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on October 28, 2009, forwarded a positive recommendation to the City Council; and,

WHEREAS, on November 12, 2009, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 515 Main Street Plat Amendment.

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

SECTION 1. APPROVAL. The 515 Main Street Plat Amendment as shown in Attachment A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 515 Main Street.
2. The zoning is Historic Commercial Business (HCB).
3. The proposed lot is 3,757 square feet in size.
4. The current minimum lot size within the HCB District is 1,250 sq. ft.
5. The lot width of the proposed lot is 47.81 feet.
6. The current minimum lot width within the HCB District is 25 feet.
7. The lot depth of the proposed lot is 78.71 feet.
8. The current minimum lot depth within the HCB District is 50 feet,
9. The site contains a historic building.
10. The site has been identified as a Significant Site by the Historic Site Inventory.

11. The plat amendment will clean up the various lot lines through the site, including under the historic building.
12. There is a building encroachment of six inches (6") by the building located on adjacent property to the north (523 Main Street).
13. The applicant is willing to grant the owner of the building to the north consent to encroach.
14. The existing building located at 515 Main Street encroaches over the rear property line on to Lot 42 and 43 for a distance of approximately three and half feet (3.5") for the entire width of the building of approximately 32 feet.
15. To serve as a notice and to protect future ownership Talisker is placing a notice of interest on the portion of those lots which they own which indicates that the three (3) lots do not comply with the minimum lot area and that development will not be able to move forward until the issue is resolved. The notice will be recorded at the County Offices to aid and facilitate accurate and efficient research on these lots.
16. The Park City Building Dept. gave a conditional permit for the work on the patio with a condition that the plat amendment be approved which removes the under lying lot lines.
17. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer must review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant shall record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. To serve as a notice and to protect future ownership the applicant will place a notice of interest on the portion of those lots which they own which indicates that the three (3) lots do not comply with the minimum lot area and that development will not be able to move forward until the issue is resolved. The notice will be recorded at the County Offices to aid and facilitate accurate and efficient research on these lots.
4. The applicant will issue encroachment agreements to the corresponding owners that will indicate the encroachment of the building to the north and the affixed flashing of the storage shed to the west.

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

PASSED AND ADOPTED this 12th day of November, 2009.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR
ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment A – Proposed Plat



**515 Main Street
Aerial Vicinity Map**

SURVEYOR'S CERTIFICATE

To Talisker Main Street, LLC and Park City Title Company

This is to certify that this map or plat and the survey on which it is based were made in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA, ACSM and NSPS in 2005, and includes Items 1, 4, 7a, 8, 10, 11, 13 and 14 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA, NSPS, and ACSM and in effect on the date of this certification, undersigned further certifies that the Positional Uncertainties resulting from the survey measurements made on the survey do not exceed the allowable Positional Tolerance.

4-10-07 Date

John Demkowicz, No. 154491

LEGAL DESCRIPTION

A parcel of land located in the southeast quarter of Section 16, 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 North 23°38'00" West 88.15 feet (prorated 88.08 feet) from the southeast corner of Block 9, Park City Survey, said point also being South 23°38'00" East 502.25 feet and South 66°22'00" West 25.00 feet from the survey monument at the intersection of Main Street and Sixth Street, Park City Survey, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah; and running thence South 66°54'00" West 78.71 feet; thence North 23°07'28" West 48.80 feet; thence North 66°22'00" East 3.28 feet; thence South 23°38'00" East 1.02 feet; thence North 66°54'00" East 75.00 feet to the easterly line of said Block 9, Park City Survey, thence along the easterly line of Block 9 South 23°38'00" East 47.81 feet to the point of beginning.

Description contains 3,757 square feet.

The basis of bearing for the above description is South 23°38'00" East between the survey monument at the intersection of Main Street and Sixth Street and the survey monument at the intersection of Main Street and Fourth Street, Park City Survey.

NARRATIVE

1. This survey is performed in conjunction with a Commitment for Title Insurance issued by Park City Title Company dated March 27, 2007 as File No. 17422.
2. The following exceptions in Schedule B, Section II of the title commitment dated March 27, 2007 as File No. 17422 are not addressed by this survey: 1-11 and 14-15.
3. Underground utilities are not within the scope of this survey.
4. A proration of 0.99926 is applied to plat distances to conform with measured right-of-way monuments.

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 66°22'00" E	3.28
L2	S 23°38'00" E	1.02

ALTA/ACSM LAND TITLE SURVEY
515 MAIN STREET

FOR: TALISKER

JOB NO.: 1-1-01

FILE: X:\ParkCitySurvey\dwg\ar\ar010101.dwg

SHEET

1

OF

1

STAFF:
MARSHALL KING
BLAKE MYERS
MARTY MORRISON

DATE: 4/10/07

(435) 649-9467



CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street, P.O. Box 2664, Park City, Utah 84060-2664



Building • Engineering • Planning

October 14, 2009

Bonnie Deffebach
Deffebach Limited Partnership
1534 N. Beverly Drive
Beverly Hills, CA 90210

RE: Lots 41, 42, and 43, Block 9, Park City Survey

Dear Ms. Deffebach:

The Park City Planning Department is currently reviewing a plat amendment to create one (1) lot of record at 515 Main Street. During this review process we have learned that three (3) Old Town lots owned by you do not comply with the minimum lot area requirement within the Historic Residential (HR-2) District, which is 1,875 square feet, as prescribed in Land Management Code (LMC) §15-2.3-4(A). The affected lots are Lot 41, 42, and 43 of Block 9 of the Park City Survey, Parcel No.: PC-143, PC-124-D, and PC-124-D-1, respectively.

In order to construct a building or other improvements the Planning Department must review the application to determine whether the proposal complies with all applicable development requirements of the zoning district.

You may submit a plat amendment application which requests to re-plat the configuration of the lots which would comply with the development standards of the LMC, including the minimum lot area. Specific information about plat amendments can be found in LMC §15-7. Development will only be able to move forward once you comply with development standards for the district.

The site (515 Main Street) has been identified as a Significant Site by the Historic Site Inventory adopted by the Historic Preservation Board in February 2009. The building is a one-part block building with a faux façade built around 1898. Most of the structure sits on Lots 4 and 5, but it also encroaches over the rear property line onto Lots 42 and 43. This historic structure's lot line encroachment causes a unique situation given that the encroachment has existed over 100 years.

According to LMC §15-10-8 the Board of Adjustments may hear applications for special exceptions to the terms of the LMC, which apply to variances, modifications of non-conforming uses, etc. Any person desiring a waiver or

modification of the requirements of the LMC as applied to a parcel or property that he/she owns, leases, or in which he/she holds some other beneficial interest may apply to the Board of Adjustments for a variance from the terms of the LMC. Specific information about the variance application, process, and conditions can be found on LMC §15-10-9.

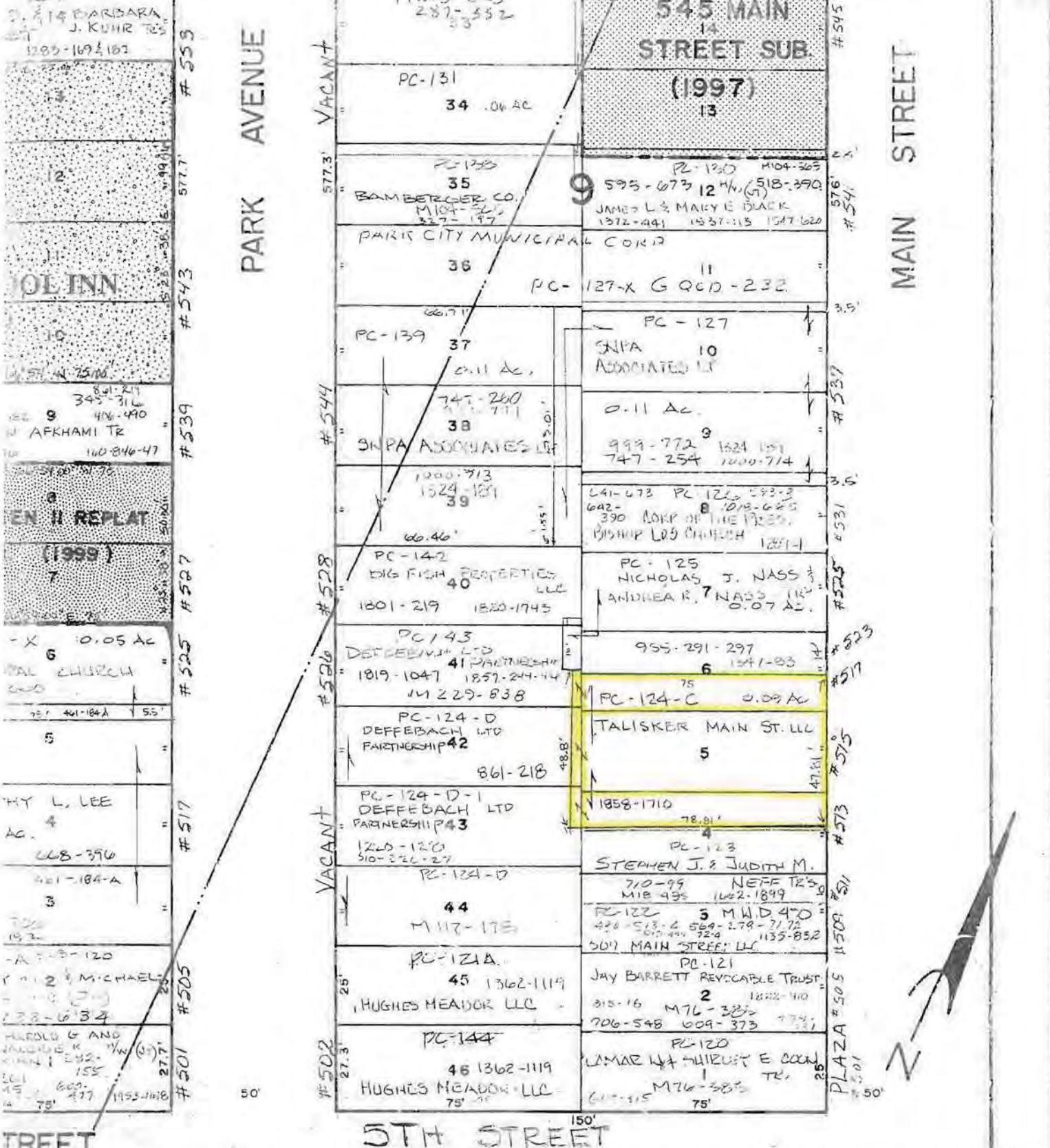
To serve as a notice and to protect future ownership Talisker is placing a notice of interest on the portion of those lots which they own which indicates that your three (3) lots do not comply with the minimum lot area and that development will not be able to move forward until this issue is resolved. This notice will be recorded at the County Offices to aid and facilitate accurate and efficient research on these lots. Feel free to contact us should you have any questions.

Respectfully,

A handwritten signature in black ink, appearing to read "F. Astorga", with a stylized flourish at the end.

Francisco Astorga
Planner

cc: 515 Main Street Plat Amendment file
Thomas Eddington Jr., Planning Director
Ron Ivie, Chief Building Official
Polly Samuels-McLean, Assistant City Attorney
Peterson – Calder Real Estate Group



SALT LAKE COUNTY, UTAH

SCALE
ONE INCH 40 FEET
BOOK PAGE

WHEN RECORDED, RETURN TO:
Lorrie J. Hoggan
1850 Sidewinder Drive, 2nd Floor
P. O. Box 4349
Park City, UT 84060

00891263 B: 2019 P: 1048

Page 1 of 4

Alan Spriggs, Summit County Utah Recorder

02/01/2010 01:48:29 PM Fee \$16.00

By COALITION TITLE AGENCY, INC.

Electronically Recorded by Simplifile

NOTICE

This Notice relates to the property identified on Exhibit "A" attached hereto (the "Property"). By Warranty Deed recorded April 12, 2007, the owner of the Property conveyed the following-described portion of the Property to Talisker Main Street, LLC ("Talisker"), which is depicted on Exhibit "B" attached hereto and is more fully described as:

A parcel of land located in the southeast quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at the southernmost corner of Lot 5, Block 9, Amended Plat of Park City, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, said point also being on the easterly boundary of Lot 43, Block 9 of said Amended Plat of Park City; and running thence along the easterly boundary of Lot 43 South 23°38'00" East 11.84 feet; thence South 66°54'00" West 3.71 feet; thence North 23°07'28" West 48.80 feet; thence North 66°22'00" East 3.28 feet to the boundary common to Lots 6 and 41, Block 9, Amended Plat of Park City; thence South 23°38'00" East 37.00 feet to the point of beginning.

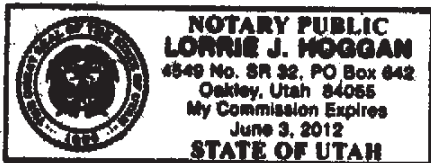
Description contains 170 square feet.

Part of Tax Serial No. PC-124-C

Any future development of the Property will require the approval by Park City Municipal Corporation (the "City"), including, for example, approval of a plat amendment to increase the size of the lots to meet the City's Historic Residential (HR-1) minimum lot size requirement, or approval of a variance to the City's Historic Residential (HR-1) minimum lot size requirements to allow a substandard lot size. This Notice is filed to comply with the City's requirements relative to the above-described portion of the Property owned by Talisker.

DATED THIS 29th day of January, 2010.

TALISKER MAIN STREET, LLC,
a Utah limited liability company



By: TALISKER DEVELOPMENTS, INC.,
a Utah corporation, its Manager

By: David J. Smith
David J. Smith

Its: Authorized Signing Officer

STATE OF UTAH)

COUNTY OF SUMMIT)

On this 29th day of January, 2010, personally appeared before me David J. Smith, the Authorized Signing Officer of Talisker Developments, Inc., a Utah Corporation, Manager of Talisker Main Street, LLC, a Utah limited liability company, on behalf of such limited liability company.

NOTARY PUBLIC:

My commission expires:

6-3-12 Residing in: Oakley, Utah

EXHIBIT "A"

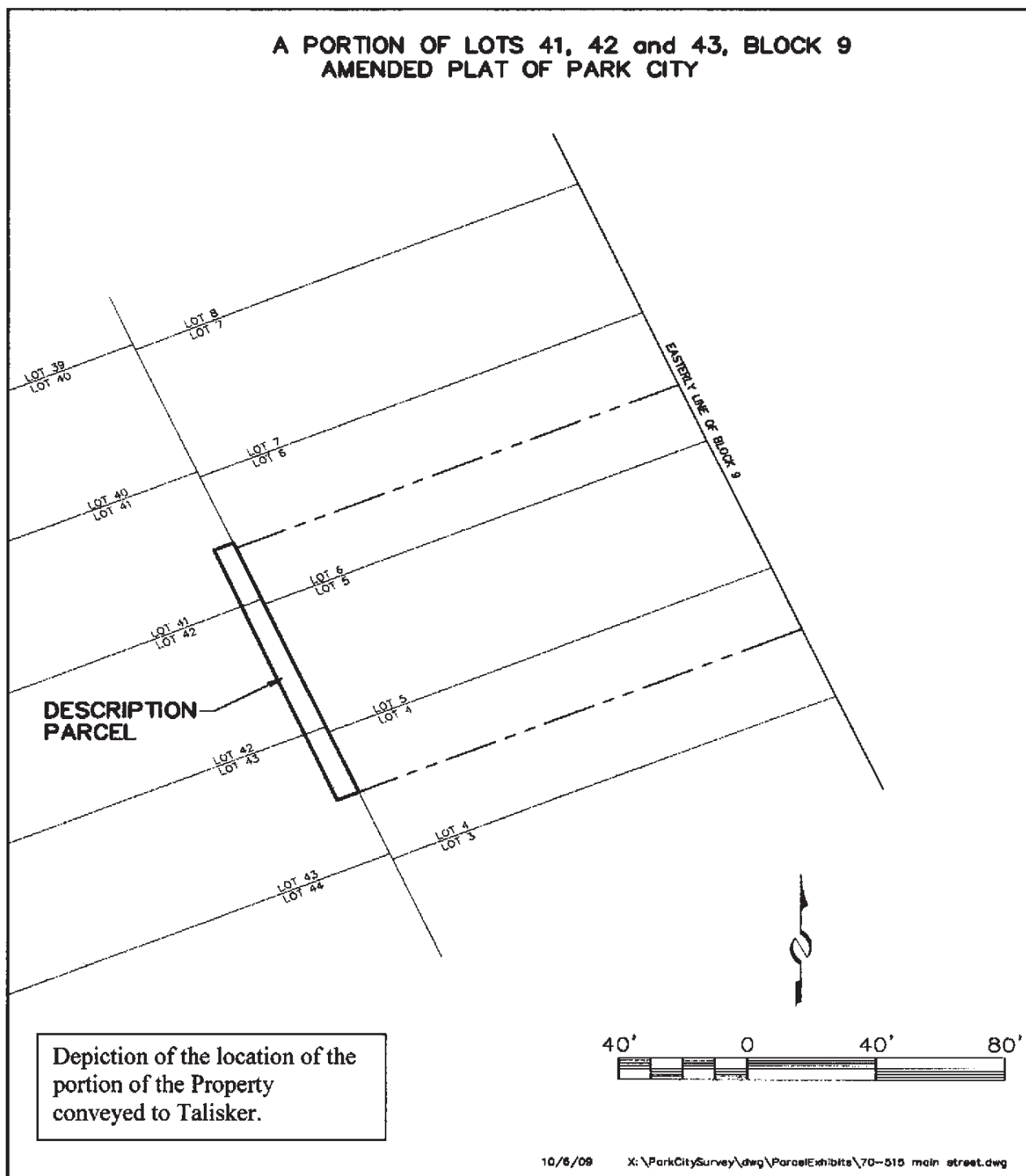
Description of the Property:

Lots 41, 42 and 43, Block 9, Amended Park City Survey, according to the official plat thereof on record with the Summit County Recorder.

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A-1

EXHIBIT "B"



00891263 Page 4 of 4 Summit County

B-1

EXHIBIT E – PLANNING COMMISSION MINUTES 10.28.2009

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7. As part of the pending MPD review process, the Planning Commission may require the submittal of a Construction Mitigation Plan prior to final action.
8. A finding of compliance with the General Plan is required prior to submittal of applications for the Master Planned Development and Conditional Use permit. Compliance with applicable criteria outlined in the Land Management Code, including the RD zone and the Master Planned Development requirements (LMC-Chapter 6) and review criteria for a Conditional Use Permit.
9. Planning Commission action for General Plan compliance does not constitute approval of a Conditional Use Permit or Master Planned Development. Final site plan and building design are part of the Conditional Use Permit and Master Planned Development. Final site plan and building design are part of the Conditional Use Permit and Master Planned Development review. General Plan compliance allows an applicant to submit a formal MPD application for Planning Commission review.
10. The discussion in the Analysis section is incorporated herein.

Conclusions of Law - 1200 Little Kate Road

1. The pre-application submittal complies with the Land Management Code, Section 15-6-4(B) Pre-application Public Meeting and Determination of Compliance.
2. The proposed Master Planned Development concept initially complies with the Park City General Plan, as conditioned.
3. 515 Main Street, Talisker - Plat Amendment
(Application #PL-09-00683)

Commissioner Wintzer resumed the Chair.

Planner Francisco Astorga reviewed the application for a plat amendment at 515 Main Street within the Historic Commercial (HCB) District. The request is to combine Lot 5 and portions of lots 4, 6, 41, 42 and 43 in Block 9 into one lot of record.

The Staff recommended that the Planning Commission review the application, conduct a public hearing and consider forwarding a positive recommendation to the City Council.

Planner Astorga stated that the lot combination meets the requirements of the HCB zone in regards to lot area, width and depth. The Staff requested input from the Planning Commission on this plat amendment and whether or not they concur with the Staff's findings for the conclusion of good cause. Planner Astorga noted that approval of this lot combination would clean up the lot lines on site and memorialize the configuration of this historic site, and at the same time combine Lot 5 and the surrounding lot portions into one lot of record. He pointed out that several lot lines go through the same building and the proposed plat amendment would create three non-complying lots on

Park Avenue, found within the HR-2 District. It would also create two non-complying lots on the north and south side of Main Street.

The Staff recommended that the Planning Commission review the application, conduct a public hearing and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval.

Commissioner Peek asked if the plat amendment created four non-complying lots on Park Avenue. He had counted Lots 41, 42, 43 and 44. Planner Astorga replied that it was Lots 41, 42 and 43. Commissioner Peek pointed out that Lot 44 is owned by the same owner and asked if that was a compliant lot. Planner Astorga answered yes.

Commissioner Peek noted that Lot 42 has a concrete structure attached to the subject building on Main Street. David Smith, representing the applicant, stated that the structure is a shed that comes off the back of the building. Commissioner Peek asked if there was a fire separation for the commercial use on Main Street and the shed on the Park Avenue lot. He was having a difficult time understanding the relationship between the two structures. Planner Astorga noted that the survey contained in the Staff report indicates that the roof of the storage shed is attached to the structure at 515 Main Street. He understood that the fire sprinkler system for the shed also goes through the building at 515 Main Street. Mr. Smith replied that this was correct.

Planner Astorga stated that Ron Ivie studied the situation and recommended recording a document similar to a Consent to Encroach that would indicate the flashing attached to the shed and the historic building, as well as the fire sprinkler system. Talisker had agreed to record that document as recommended by Ron Ivie. Planner Astorga reported that the Building Department was comfortable with this application.

Chair Wintzer asked about an entrance from the main building to the shed and whether they were two separate buildings. Mr. Smith stated that the buildings are physically separate with their own separate exterior walls. A piece of flashing across the top is the only connection.

Commissioner Peek asked if the building on the north property line encroaches on to the proposed lot. Mr. Smith answered yes and noted that a consent has been executed for the encroachment on to Talisker property. Commissioner Peek asked about the lines identified as L1 and L2 shown on the drawing. Planner Astorga replied that it was a bump out. He was unsure why it was there but it has always been part of the historic configuration of the site. Commissioner Peek asked if that area was included in the property deeded to this parcel. Planner Astorga answered yes.

Commissioner Russack understood the lot combination was from north to south, but the shed sits on a lot to the west of the main structure and both are in two different zones. Planner Astorga stated that the shed is in the HR-2 zone and the main building is in the HCB. Commissioner Russack clarified that approving this plat amendment would not allow any development on the shed to be dictated by the zone for 515 Main Street. He wanted to be sure that the two structures were considered separate and subject to their own zoning requirements. Commissioner Thomas understood that modifications to the sprinkler system or the flashing could be entertained in

conjunction with 515 Main Street. Director Eddington replied that the sprinklers or flashing could be modified, but the use for the shed is still dictated by the HR-2 zone.

Commissioner Strachan asked if there were any existing non-complying structures on any of the lots combined by the plat amendment. Planner Astorga answered no. Commissioner Strachan was concerned about the potential for creating a problem of enlarging a non-compliant use in the future by approving this plat amendment. Planner Astorga stated that the structures to the north and south are currently in the Historic Sites Inventory and a plat amendment would be required before any work could be done on those structures.

Director Eddington clarified that the use at 515 Main Street is a permitted use within the HCB zone and the existing structures are compliant.

Commissioner Strachan asked for an explanation of the Notice of Interest. Planner Astorga explained that whenever a future buyer researches information to purchase those lots, the notice would inform them that the lots do not meet the minimum lot size. Commissioner Strachan was unsure why the lots would comply with the Code if they do not meet the minimum lot size. Planner Astorga replied that the three lots in the back are not compliant. Commissioner Strachan understood that it would be forcing a non-compliant situation. Planner Astorga replied that the configuration of the six lots or portions of lots have existed for over a hundred years. Commissioner Strachan asked if the lot sizes have always been non-compliant. Planner Astorga pointed out that years ago there were no minimum lot sizes. Commissioner Thomas explained that the lots became non-compliant when the minimum lot size was established. Commissioner Strachan was unclear on why a person would not run into the challenge of building on a non-compliant lot in the future. Director Eddington replied that a variance would be required in order to build.

City Attorney, Mark Harrington, stated that the reason for the plat amendment was to adjust the lot lines between three lots for compliance and not have the expectation of being able to build on three individual lots. Commissioner Strachan asked if it was physically possible to create lot lines that comply with the Code through a plat amendment for the three back lots. Mr. Harrington replied that it is possible but lots would need to be combined.

Director Eddington stated that the Staff had a similar concern. The question was whether three regular Old Town lots should be made into two larger lots. To keep three lots would require a request to the Board of Adjustment for a variance, given the unique situation of the encroachment that has existed over a hundred years.

Commissioner Peek pointed out that four lots are being sold, two at an equal price. He felt it was obvious that a plat amendment needed to occur between 41 and 42 or some combination. Otherwise a variance would be required. If the land was not deeded to the Main Street parcel and the building had an encroachment, Commissioner Peek wanted to know if that would be a legal complying lot. He was told that it would be. Planner Astorga still preferred to have a notice on those portions saying that there is an encroachment.

Commissioner Russack asked if the shed would need to be removed if the lots behind it were ever sold. Mr. Smith was comfortable with keeping the sprinkler connected and the flashing. He believed the decision on whether or not to remove the shed would be up to the buyer.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Thomas made a motion to forward a POSITIVE recommendation to the City Council for 515 Main Street plat amendment, based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance. Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 515 Main Street

1. The property is located at 515 Main Street.
2. The zoning is Historic Commercial Business (HCB).
3. The proposed lot is 3,757 square feet in size.
4. The current minimum lot size within the HCB District is 1,250 sq. ft.
5. The lot width of the proposed lot is 47.81 feet.
6. The current minimum lot width within the HCB District is 25 feet.
7. The lot depth of the proposed lot is 78.71 feet.
8. The current minimum lot depth within the HCB District is 50 feet.
9. The site contains a historic building.
10. The site has been identified as a Significant Site by the Historic Site Inventory.
11. The plat amendment will clean up the various lot lines through the site, including under the historic building.
12. There is a building encroachment of six inches (6") by the building located on adjacent property to the north (523 Main Street).

13. The applicant is willing to grant the owner of the building to the north consent to encroach.
14. The existing building located at 515 Main Street encroaches over the rear property line on to Lot 42 and 43 for a distance of approximately three and a half feet (3.5') for The entire width of the building of approximately 32 feet.
15. To serve as a notice and to protect future ownership, Talisker is placing a notice of interest on the portion of those lots which they own which indicates that the three (3) lots do not comply with the minimum lot area and that development will not be able to move forward until the issue is resolved. The notice will be recorded at the County Offices to aid and facilitate accurate and efficient research on these lots.
16. The Park City Building Department gave a conditional use permit for the work on the patio with a condition that the plat amendment be approved, which removes the underlying lot lines.
17. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law - 515 Main Street

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 lot combinations.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions state below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval - 515 Main Street

1. The City Attorney and City Engineer must review and approve the final form and content of the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
2. The applicant shall record the plat amendment agt the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. To serve as a notice and to protect future ownership, the applicant will place a notice of interest on the portion of those lots which they own which indicates that the three (3) lots do not comply with the minimum lot area and that the development will not be able to move

forward until the issue is resolved. The notice will be recorded at the County Offices to aid and facilitate accurate and efficient research on these lots.

4. The applicant will issue encroachment agreements to the corresponding owners that will indicate the encroachment agreements to the corresponding owners that will indicate the encroachment of the building to the north and the affixed flashing of the storage shed to the west.
4. 1110 Empire Avenue - Condominium Conversion
(Application #PL-09-00772)

Planner Astorga reviewed the application for a condominium record of survey for a duplex located at 1110 Empire Avenue. He noted that in 2006 a variance was granted by the Board of Adjustment to reduce the minimum lot size allowed for a duplex. In January 2007 a plat amendment was approved; however, the applicant failed to record the plat amendment with the County within one year of approval and the approval expired. A new plat amendment was reviewed and approved by the Planning Commission. In September 2007 the Planning Commission reviewed and approved a conditional use permit for a duplex and a CUP for development on a steep slope. In addition, the site has gone through a historic district design review.

Planner Astorga reported that the applicant was having financing difficulties since there were no other duplexes in the area for comparison. The bank indicated that they would be able to compare it to other condominiums in the area, which is the reason for the request this evening.

The Staff recommended that the Planning Commission review the application, conduct a public hearing and consider forwarding a positive recommendation to the City Council.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

Commissioner Peek ask for the nature of the tie-breaker mechanism. Planner Astorga replied that since there are only two owners, it would aid the owners in making a decision in the case of a dispute. He noted that it is typically based on the floor area of the larger unit. It is not uncommon for a tie-breaker mechanism to be included in the CC&Rs.

Commissioner Thomas made a motion to forward a POSITIVE recommendation to the City Council for the condominium conversion at 1110 Empire Avenue based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously.

EXHIBIT F — APPLICANT'S STATEMENT TO VARIANCE REQUEST

Statement Attached To Variance Request
Lot #43, Block #9, Park City Survey

FACTS

The hardship sought to be remedied by this variance application resulted from the filing of an amended subdivision plat by the owner of an adjoining lot fronting on Main Street. The amendment resulted in lot reduction along the rear lot line of approximately 46 square feet (3.28 x 14) and reduced the lot size from 1875 square feet to 1829 square feet. In accordance with Park City Municipal Code Section 15-2-3-4(A), Historical Code, all lots in the HR-2 zone are required to be a minimum of 1875 square feet. As a result, the remaining lot violates the code's minimum lot requirements and is an unbuildable lot. The amended plat was recorded to make a public record of the ownership resulting from the encroachment of a building constructed approximately 100 years ago which construction was in apparent violation of existing setback and building footprint requirements. That building has been deemed of historical significance. The recording of said encroachment in 2009 was not joined in or approved by any owner or the applicant herein.

CONCLUSIONS

This request meets the statutory requirements of the Park City Municipal Code Section 15-10-9 regarding the conditions justifying a variance as follows:

Section 15-10-9(C)

1. The unreasonable hardship is that the applicant is prevented from use of the lot for the construction of any residence and, in addition, the granting of the variance to enable the applicant to build a small lot historic residence is in harmony with the general purpose of the Land Management Code for that zone.
2. The existence of a 100 year encroachment upon the property is a special circumstance that does not generally apply to other properties in the same zone wherein numerous residences have been built on the required 1875 square foot lots.
3. Granting of the variance affords to the applicant the same rights as other property owners in the zone.
4. Granting of the variance to allow the construction of a small lot residence on a lot minimally smaller than the required size but substantially meets the requirements of the ordinance would not effect the General Plan, would not be contrary to the public interest, is clearly within the spirit of the Code and substantial justice would be done.

Section 15-10-9(D)

1. The hardship is located on the property for which the variance is sought and comes from circumstances peculiar to the property not general to the neighborhood.
2. The hardship complained of was created by the existence of a 100 year encroachment and the subsequent recording of ownership by an adjoining land owner. Said change in the boundary was not initiated nor consented to by any owner or the applicant and, therefore, the circumstances relating to the hardship were not self imposed. Utah case law indicates that the hardship is not demonstrated by economic loss alone but must be tied to the special circumstances. Clearly, the hardship and resulting economic impact of not building any residence upon the lot is tied directly to the encroaching special circumstance.

OCT 27 2011

Planning Commission Meeting
February 8, 2012
Page 2

Chair Wintzer opened the public hearing. There was no comment. Chair Wintzer closed the public hearing.

MOTION: Commissioner Hontz moved to CONTINUE 60 Sampson Avenue – Ratification of Findings for the CUP to February 22, 2012. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

WORK SESSION – DISCUSSION ITEMS

1. 520 Park Avenue – Discussion regarding a variance (Application #PL-11-01391)

Planner Francisco Astorga requested that the Planning Commission review the variance request and provide input and direction to Staff and the Board of Adjustment based on the specifics of character outlined in the proposed and current General Plan

Planner Astorga remarked that the parcel in question is identified as PC124-D-1. The applicants purchased the site in August 2011 and submitted a variance for Lot 43, which does not meet the minimum lot size of 1875 square feet. The lot area is 1829 as identified on the survey. The survey was attached to the Staff report as an Exhibit.

Planner Astorga stated that the issue was that in 2009, through a previous sale in 2007, the portion in question was made part of 550 Main Street, the Talisker Restaurant Building. When the subdivision was created it resulted in three lots of record that no longer comply with the minimum lot size. Planner Astorga explained that a historic addition encroached on to the back property lots. What was perceived as the configuration has existed in the area for over a hundred years.

Planner Astorga stated that if the Board of Adjustment grants a variance they would be able to build two smaller homes, which was more in character with what the City is trying to accomplish through the General Plan amendments for keeping the scale, mass and volume of structures smaller and more compatible with historic architecture.

Planner Astorga reported that Trent Timmons, the applicant, purchased Lot 44, which allows him the option to combine the two lots and have a lot of record. However, that would sacrifice the intent of smaller scale.

Commissioner Savage asked if the variance would preclude a lot combination. Assistant City Attorney McLean answered no. Mr. Timmons, the applicant, stated that it would not preclude a lot combination but he would be willing to agree it.

Planner Astorga requested input as to whether the Planning Commission would support the variance. The Staff felt they could make appropriate findings to recommend that the Board of Adjustment grant the requested variance.

Commissioner Savage was willing to support the variance if the applicant would agree to the condition regarding the lot combination. Assistant City Attorney McLean recognized that it was unusual for a variance issue to come before the Planning Commission. However, in light of the history of the property and the plat amendment, as well as General Plan discussions, it was important to hear whether the Planning Commission supported the Staff position that the variance met the goals of the General Plan.

Commissioner Thomas believed another issue regarding the variance was that the historic structure was inconsistent with the property. Planner Astorga agreed that another argument for the variance was to address the encroachment that has existed over a hundred years.

Director Eddington noted that the Planning Commission previously made recommendations to the City Council to amend the HR-2 Zoning District to allow some commercial to encroach into the HR-2 Zoning District as long as it was basement space that was not visible. Director Eddington pointed out that one reason for that recommendation was to also allow for the fabric to be returned to Park Avenue above ground. The Staff supports smaller houses being located along that portion of Park Avenue to recreate that fabric.

Mr. Timmons stated that over the last 10 years they have built 12 smaller homes. They believe smaller homes are more compatible with the historic character. Commissioner Worel applauded Mr. Timmons for those efforts, instead of combining lots and building larger structures.

Commissioners Hontz and Thomas supported the variance. As the liaison to the Board of Adjustment, Commissioner Hontz would relay their recommendation to the Board.

Bonanza Park Area Plan – revised supplement to General Plan - Discussion

Chair Wintzer disclosed that he owns property in the Bonanza Park area.

Planner Katie Cattan highlighted the major changes to the first draft of the General Plan for the Bonanza Park Area and noted that the second draft was available online.

Planner Cattan noted that the first item was the suggestion to add a key terms page. Commissioner Hontz pointed out that under the key terms, Area Medium Income should be Area Median Income. Commissioner Hontz thought the word “zoning” in the Base Plan and Incentivized Plan definitions was confusing. Planner Cattan believed that would be the outcome of the Form Base Code and whether or not it will be an overlay zone option. They should be able to better define that as they delve into the Form Base Code discussion.

City Council Staff Report



Application #: PL-13-01797
Subject: 421 Park Avenue Re-plat
Author: Francisco Astorga, Planner
Date: March 21, 2013
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the City Council hold a public hearing and consider approving the 421 Park Avenue Replat based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Description

Applicant: Palmer Thornton, represented by Jonathan DeGray, Architect
Location: 421 Park Avenue
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Residential
Reason for Review: Plat amendments require Planning Commission review and City Council action

Proposal

Plat Amendment request to combine two (2) Old Town lots and a portion of another lot into one (1) lot of record. There is an existing historic structure located at 421 Park Avenue which was constructed across two (2) existing lot lines.

Purpose

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

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

Background

On January 9, 2013 the City received a completed Plat Amendment application for the

421 Park Avenue Replat. The property is located at 421 Park Avenue in the Historic Residential (HR-1) District. The subject site is parcel no. PC-54. The proposed plat amendment combines all of Lot 5, all of Lot 6, and the north twelve feet (12') of Lot 4, Block 4 of the Park City Survey into one (1) lot of record. The proposed new lot will be 4,650 square feet in size.

The current use of the property is a single family dwelling. The applicant requests the removal of the two (2) existing lot lines going through the structure. In the future the owner is planning foundation and deck repair/expansion. Prior to any City approvals of a Historic District Design Review (HDDR) application, and subsequent building permit, the interior lot lines would need to be removed through a plat amendment. The structure is currently listed as a Landmark Site on Park City's Historic Sites Inventory (HSI). The historic structure is known as the Reese Williams House, built circa 1898. It is currently listed on the National Register of Historic Places. According to Summit County records the structure is 1,857 square feet in size.

A building permit cannot be issued for construction across a lot line. In Old Town a Conditional Use Permit (CUP) is required for any structure in excess of 1,000 square feet if said structure and/or access is located upon any existing slope of thirty percent (30%) or greater.

The Planning Commission reviewed this application during their February 27, 2013 meeting. The Commission forwarded a positive recommendation. The positive recommendation was based on a unanimous vote.

Analysis

The proposed Plat Amendment creates one (1) lot of record from a portion of Lot 4 consisting of 900 square feet, and all of Lot 5 and 6 within the HR-1 District. The applicant requests to eliminate the lot lines going through the historic structure. Because the site is designated as a Landmark Site the historic structure is currently protected from demolition.

Even though there are almost two and a half (2½) lots, the site is limited by the location of the existing historic structure over the lot lines. Two (2) single family dwellings could not be built on the two (2) lots as the historic structure is protected. Staff has reviewed the proposed plat amendment request and found compliance with the following Land Management Code (LMC) requirements for lot size and width:

	LMC requirement	Proposed
Minimum lot size	1,875 sq. ft.	4,650 sq. ft.
Minimum lot width	25 ft.	62 ft.

Staff finds good cause for this plat amendment as the combined lot will remove the lot lines going through the historic structure and place the historic house on one (1) lot of record. The Plat Amendment could also provide an opportunity for a limited addition to the historic house. According to Summit County records the structure is 1,857 square

feet in size. The existing building footprint is approximately 1,066 square feet.). The proposed lot will meet the lot and site requirements of the HR-1 District.

The existing front yard setback is eleven feet (11'). The existing rear yard setback is twenty-two feet (22'). The existing north side yard setback is twelve feet (12'). The existing south side yard setback is nine feet (9'). There are no violations or non-compliances found on the site dealing with setbacks and other development standards as identified below:

	Permitted
Height	27 feet maximum
Front setback	10 feet minimum
Rear setback	10 feet minimum
Side setbacks	5 feet minimum, 14 feet total
Footprint	1,790 square feet maximum
Parking	None required for historic structures
Stories	3 stories maximum

If an addition is to take place in the future the applicant will have to follow the adopted Historic District Design Guidelines and applicable LMC standards.

Process

The applicant may have to submit a Historic District Design Review application, which is reviewed administratively by the Planning Department. A Steep Slope Conditional Use Permit application may also be required, which is reviewed by the Planning Commission. They would also have to submit a Building Permit application. The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

Department Review

This project has gone through an interdepartmental review. All issues have been resolved by revisions to the application or conditions of approval. No further issues were brought up at that time.

Notice

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

Public Input

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

Alternatives

- The City Council may approve the 421 Park Avenue Replat as conditioned or amended; or

- The City Council may deny the 421 Park Avenue Replat and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on 421 Park Avenue Replat.
- The City Council may remand the item back to the Planning Commission for specific discussion on topics and/or findings.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The historic structure would remain as is and no construction could take place across the existing lot lines.

Recommendation

Staff recommends the City Council hold a public hearing and consider approving the 421 Park Avenue Replat based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits

- Exhibit A – Draft Ordinance with Proposed Plat
- Exhibit B – Existing Conditions & Topographic Survey
- Exhibit C – Survey S01745 filed with Summit County
- Exhibit D – Aerial Photograph
- Exhibit E – County Tax Map
- Exhibit F – Front Elevation Photograph

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance No. 13-__

AN ORDINANCE APPROVING THE 421 PARK AVENUE REPLAT LOCATED AT 421 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 421 Park Avenue has petitioned the City Council for approval of the plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on February 27, 2013, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on February 27, 2013, forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 14, 2013, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 421 Park Avenue Replat.

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

SECTION 1. APPROVAL. The 421 Park Avenue Replat as shown in Attachment 1 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 421 Park Avenue.
2. The property is located in the Historic Residential (HR-1) District.
3. The proposed lot is 4,650 square feet in size.
4. The minimum lot size within the HR-1 District is 1,875 square feet.
5. The lot width of the proposed lot is sixty-two feet (62').
6. The minimum lot width within the HR-1 District is twenty-five feet (25').
7. The existing footprint of the structure is 1,066 square feet.
8. The maximum footprint for a lot this size is 1,790 square feet.
9. The current use of the property is a single family dwelling.
10. The existing front yard setback is eleven feet (11').
11. The existing rear yard setback is twenty-two feet (22").

12. The minimum front and rear yard setbacks are ten feet (10').
13. The existing north side yard setback is twelve feet (12').
14. The existing south side yard setback is nine feet (9').
15. The side yard setbacks are five feet (5') minimum, eighteen feet total.
16. There is a historic structure on the site.
17. The Historic Site Inventory lists the site as a Landmark.
18. The historic house sits on two lots lines, which the applicant is proposing to be removed with this application.
19. No remnant parcels of land are created with this plat amendment.
20. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Modified 13-D sprinklers may be required for new construction as required by the Chief Building Official at the time of review of the building permit submittal.
4. A 10 foot wide public snow storage easement is required along the frontage of the lot with Park Avenue and shall be shown on the plat.

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

PASSED AND ADOPTED this 14th day of March, 2013.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

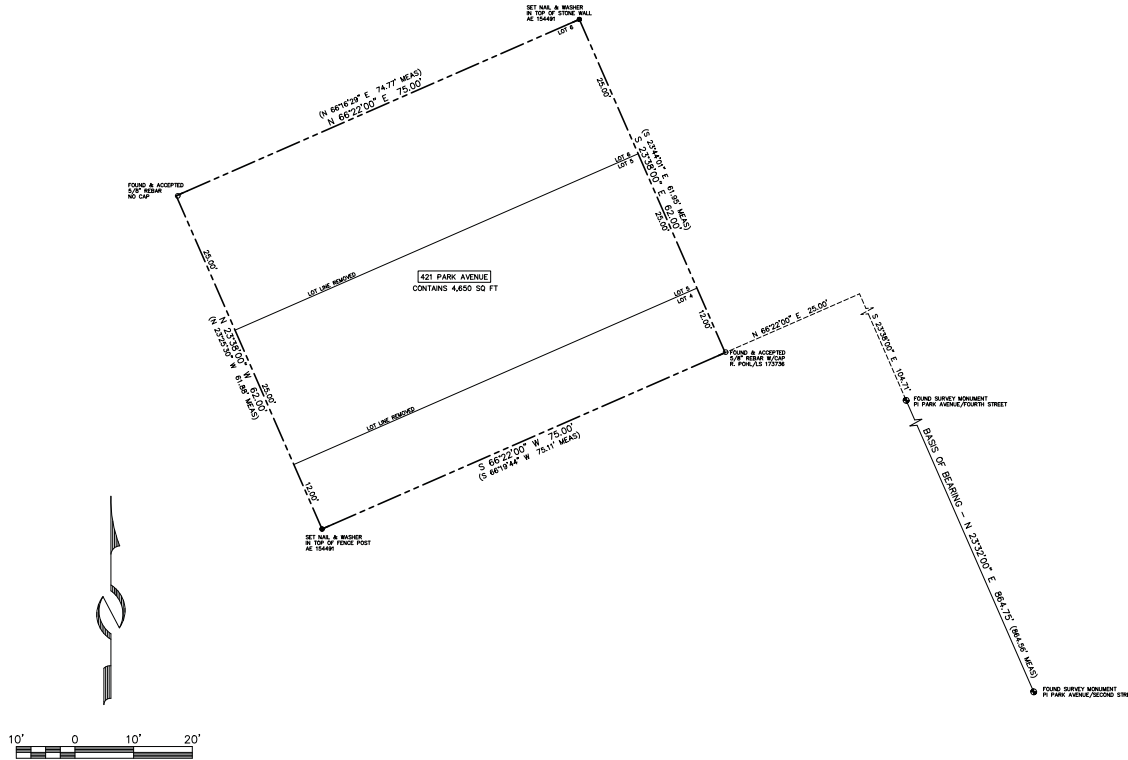


SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that by authority of the owner, I have prepared this Record of Survey map of the 421 PARK AVENUE REPLAT and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

BOUNDARY DESCRIPTION

Lots 5 and 6 and the North 12 feet Lot 4, Block 4, PARK CITY SURVEY, according to the official plat thereof, as recorded in the office of the Summit County Recorder.



A COMBINATION OF THE NORTHERLY 12' OF LOT 4 AND
LOTS 5 & 6 IN BLOCK 4, PARK CITY SURVEY

421 PARK AVENUE REPLAT

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

NOTES

- See recorded survey S-7415 in the Summit County Recorder's Office.
- A Snow Shed Easement Agreement recorded August 29, 2005, as Entry No. 748625, in Book 1728 at Page 656 affects the subject property. The location and dimensions of said easement are not disclosed.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owner of the herein described tract of land, to be known hereafter as 421 PARK AVENUE REPLAT, does hereby certify that he has caused this replat to be prepared, and I, Palmer C. Thornton, hereby consent to the recordation of this replat.

In witness whereof, the undersigned set his hand this ____ day of _____, 2013.

Palmer C. Thornton, Owner

ACKNOWLEDGEMENT

State of _____;
County of _____;

On this ____ day of _____, 2013, Palmer C. Thornton personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Palmer C. Thornton acknowledged to me that he is an owner of the herein described tract of land, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in Utah

Printed Name _____

Residing in: _____

My commission expires: _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owner of the herein described tract of land, to be known hereafter as 421 PARK AVENUE REPLAT, does hereby certify that she has caused this replat to be prepared, and I, Allison R. Thornton, hereby consent to the recordation of this replat.

In witness whereof, the undersigned set her hand this ____ day of _____, 2013.

Allison R. Thornton, Owner

ACKNOWLEDGEMENT

State of _____;
County of _____;

On this ____ day of _____, 2013, Allison R. Thornton personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Allison R. Thornton acknowledged to me that she is an owner of the herein described tract of land, and that she signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in Utah

Printed Name _____

Residing in: _____

My commission expires: _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owner of the herein described tract of land, to be known hereafter as 421 PARK AVENUE REPLAT, does hereby certify that she has caused this replat to be prepared, and I, Hilary Thornton, hereby consent to the recordation of this replat.

In witness whereof, the undersigned set her hand this ____ day of _____, 2013.

Hilary Thornton, Owner

ACKNOWLEDGEMENT

State of _____;
County of _____;

On this ____ day of _____, 2013, Hilary Thornton personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Hilary Thornton acknowledged to me that she is an owner of the herein described tract of land, and that she signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in Utah

Printed Name _____

Residing in: _____

My commission expires: _____

SHEET 1 OF 1

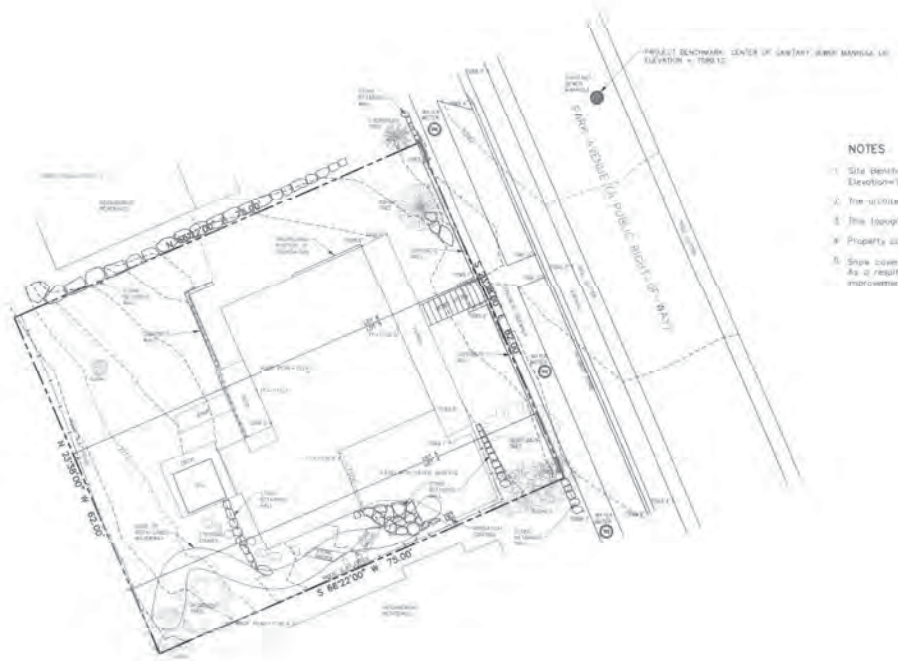
12/18/13 JOB NO.: 3-11-12 FILE: X:\ParkCitySurvey\dwg\ar\plat2012\031112.dwg

 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 _____, 2013 A.D. BY _____ S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS DAY OF _____, 2013 A.D. BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS DAY OF _____, 2013 A.D. BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS DAY OF _____, 2013 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 _____, 2013 A.D. BY _____ PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF _____, 2013 A.D. BY _____ MAYOR	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____ ENTRY NO. _____ FEE _____ RECORDER _____
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SURVEYOR'S CERTIFICATE

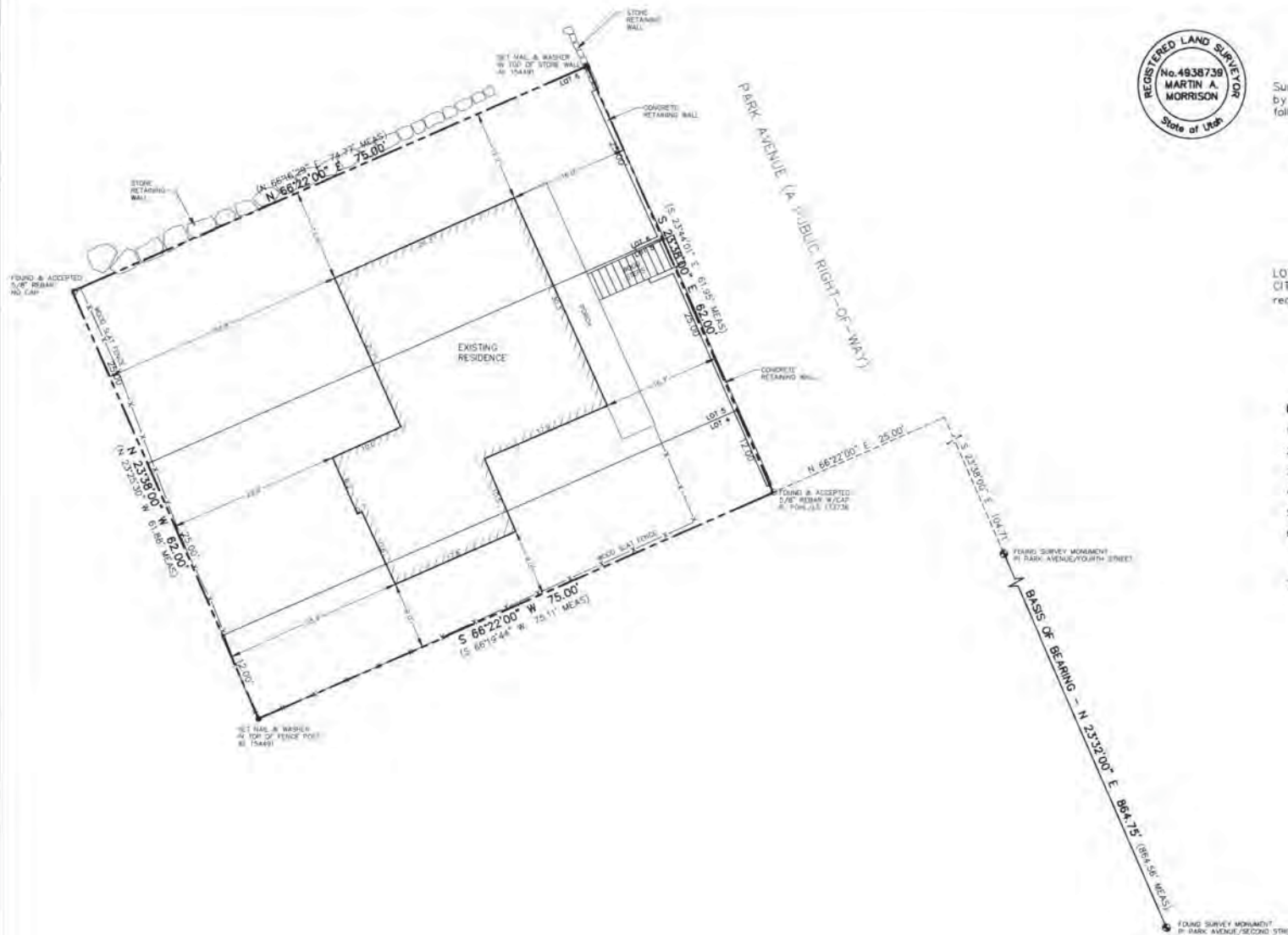
I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certification no. #4838738 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described herein. I further certify that this topographic survey is a correct representation of the land surveyed of the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.



NOTES

1. Six benchmarks, center of sanitary sewer manhole (S), Elevation=7055.12
2. The utilities' is responsible for verifying existing easements, zoning requirements and building heights.
3. The topographic map is based on a field survey performed on November 15, 2011.
4. Property corners were set.
5. Snow coverage at the time of the survey was approximately 6" to 8". As a result, actual elevations may vary from elevations shown on this survey. In addition, monumentation improvements and/or conditions may exist which are not shown on this survey.

 UTAH STATE SURVEYORS ASSOCIATION 111 East 200th Street, Suite 200, Provo, UT 84601-2000 Tel: 801-733-1111 Fax: 801-733-1112	STAFF: MARSHALL BIRD MARTY MORRISON DATE: 11/29/11	EXISTING CONDITIONS AND TOPOGRAPHY 421 PARK AVENUE BLOCK 4, PARK CITY SURVEY FOR: ANDREW SEPP JOB NO.: 4-11-11 FILE: X:\ParkCitySurvey\dwg\topo2011\041111.dwg	SHEET 1 OF 1
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SURVEYOR'S CERTIFICATE

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

Martin A. Morrison
Martin A. Morrison

11-28-11
Date

LEGAL DESCRIPTION

LOTS 5 & 6 AND THE NORTH 12 FEET OF LOT 4, BLOCK 4, PARK CITY SURVEY according to the official plot thereof on file and of record in the Summit County Recorder's Office.

NOTES

1. Basis of survey: Found survey monuments as shown.
2. Property corners were set or found as shown.
3. Date of survey: November 14, 2011.
4. Property location: Southeast quarter of Section 16, T2S, R4E, S16&M.
5. Purpose of survey: Building remodel.
6. Improvements on the property at the time of the survey are as shown. Additional improvements and topography are shown on the existing conditions survey which was prepared by Alliance Engineering in conjunction with this boundary survey.
7. Snow coverage at the time of the survey was approximately 6". As a result, monuments, improvements, and/or conditions may exist which are not shown on this survey.



FILE NO. S0007415

12/30/2011 01:34:44 PM
Survey 1 of 1
FILED SUMMIT COUNTY RECORDS
FEE \$ 10.00 BY



 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street, P.O. Box 2862, Park City, Utah 84060-2864 (435) 649-9467	STAFF: MARSHALL KING MARTY MORRISON	SHEET 1 OF 1	BOUNDARY SURVEY 421 PARK AVENUE LOTS 5 & 6, BLOCK 4, PARK CITY SURVEY FOR: ANDREW SEPPI JOB NO.: 4-11-11 FILE: X:\ParkCitySurvey\dwg\an\arry2011\041111.dwg
	DATE: 11/28/11		



SUBJECT
PROPERTY

 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2654 Park City Utah 84060-2654	(435) 648-9457 STAFF: MARSHALL KING	AERIAL PHOTOGRAPH 421 PARK AVENUE BLOCK 4, PARK CITY SURVEY FOR: PALMER THORNTON JOB NO.: 3-11-12 FILE: X:\ParkCitySurvey\dwg\Exhibits\421 park avenue-ortho.dwg	SHEET 1 OF 1
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PARK CITY-BLOCKS 4,10,29,SECTION 16,T2S R4E,S.L.B.&M.

TREASURE HILL SUBDIVISION Ph. 1
(1996)

29	QUITTING
	TIME
	COND

ELDER PARK
SUB. 3 (1996)

409 WOODSIDE
REPLAT SUB.
3 (1998)

STREET

WOODSIDE AVENUE (N 23°38' W)

PARK AVENUE (N 23°38' W)

MAIN STREET (N 23°38'W)

FOURTH STREET

SUMMIT COUNTY, UTAH

SCALE	
ONE INCH	40 FEET
BOOK	PAGE



RESIDENTIAL
PARKING
FOR
421
PARK AVE.

223

RESIDENTIAL
PARKING
FOR
421
PARK AVE.