PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JANUARY 27, 2005

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, January 27, 2005.

Closed Session – Executive Conference Room
4:00 p.m. Property and litigation

Regular Meeting – City Council Chambers
6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

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

Mosquito abatement - Alex Butler

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JANUARY 13, 2005

V PUBLIC HEARINGS

1. Ordinance approving a plat amendment for 7013 Silver Lake Drive, Lot 10, Amended Evergreen Subdivision, Park City, Utah

2. Ordinance approving an amendment to the record of survey plat for the Lift Line Condominiums, located at 1403 Park Avenue, Park City, Utah

VI CONSENT AGENDA

1. Ordinance approving a plat amendment for 7013 Silver Lake Drive, Lot 10, Amended Evergreen Subdivision, Park City, Utah

2. Ordinance approving an amendment to the record of survey plat for the Lift Line Condominiums, located at 1403 Park Avenue, Park City, Utah

3. Acceptance of disclosure statements of the Mayor and City Council for 2005

4. Acceptance of Wilburn West (Rossman) Annexation Petition

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.

Posted: 01/24/05
See: parkcity.org

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

February 2005

3 Migration to Microsoft Outlook Council training - work
Cultural tourism strategic plan recommendations - work
10 Public Use Transition District – work – public hearing - action
Ordinance- 1359 Park Avenue- plat amendment JW
Ordinance- 7101 Silver Lake Drive, North Silver Lake Lodge, Record of survey plat amendment- RM
MFL – Arte Latino
Banner Wood Subdivision fnal plat – BR
Ordinance - 7800 Royal Street East, Sterlingwood Condominiums 3rd amended record of survey plat
17 Ordinance – 2858 Estates Drive plat amendment - AC
Ordinance – 1301 Park Avenue plat amendment - KW
24 **No meeting**
25 Management Team retreat

March 2005

3 Legislative update – work
Ordinance- 239 Woodside Avenue- plat amendment – AC
Ordinance - 44 Chambers Street fnal subdivision plat – BR
Ordinance - 2414 Iron Canyon Drive plat amendment – RM
Ordinance - Risner Ridge No. 2 Subdivsion plat amendment – BR
Ordinance - 713 Norfolk Avenue pat amendment and vacation of ROW – PP
10 Legislative update - work
17 Legislative update - work
24 Legislative update - work
31 Legislative update - work

Pending Items:

Bus service to SLC - work
Water Service District – Grant of easement from Iron Mountain Associates
Transit Center Land Match Resolution – Gary
CDBG preliminary hearing - July

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JANUARY 13, 2005

Present: **Mayor Dana Williams; Council members, Kay Calvert; Marianne Cone, Candace Erickson; Jim Hier; and Joe Kernan**

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Ken Fisher, Recreation Director; Phyllis Robinson, housing consultant; Kim Leier, Human Resources Director; Patrick Putt, Planning and Zoning Administrator; Jeff Schoenbacher, Environmental Specialist; Ron Ivie, Chief Building Official; Michelle Stucker, Recreation Analyst

1. Council questions/comments. Kay Calvert commended the City's snow removal crew for their extraordinary efforts during the recent storms. Candace Erickson agreed and reported that 2005 is the second largest snow pack on record; the largest being 1983. She added that she attended the Prospector meeting on the neighborhood park where there was consensus to upgrade the play equipment but not include other features. Ken Fisher, Recreation Director, reiterated that the scope of the project will include improvements to the playground equipment and creating shade areas; basketball courts and rest rooms have been eliminated. Ms. Erickson discussed the effectiveness of the survey and neighborhood meeting approach and Joe Kernan felt it important that staff listened to the concerns of the group who wanted a passive park. He also commended snow removal and felt that the information from this experience may provide data to explore providing a higher service level to residents. Jim Hier continued that with all of the impacts of infill development, that it may be time to look at our snow removal program funding level during the budget cycle.

Marianne Cone commented on the usefulness of the recent Council retreat. Mayor Williams reported on a meeting with a student on mosquito abatement; she will be addressing Council on her idea. He explained that he was invited to participate in the Navy's Distinguished Visitor Program in San Diego, but is unable to attend because of other commitments and announced that Candace Erickson will be representing Park City. Mayor Williams publicly apologized to Marie Rosenbloom for anything he said to offend her. He attended a luncheon with members of Mountainlands Community Housing Trust which was very productive. This comment was made at the end of work session but appears here for ease of reference. Council member Kernan relayed that *Google* sends its employees to a resort every year, and suggested that Park City look into marketing this group.

2. Housing update. Phyllis Robinson referred to her staff report and urged Council for feed-back on any change in policy. She stated that the City provides employer assisted housing benefits in the form of a mortgage assistance program and a housing allowance for full-time employees living within the School District boundaries, which has been very effective. The City received a CDBG grant toward a housing needs assessment which is proceeding. Last month, the City Council approved a bridge loan to MCHT which will be disbursed through construction withdrawals with Zions Bank. She emphasized that the importance of updating the City's housing ordinance and fee calculations, which are several years old. It is important to feel confident that when new projects are considered, that the in-lieu of fee calculations adequately represent the cost of living in Park City. She pointed out levels of advocacy; the City can take on the role of a facilitator, a developer, or an owner/manager of an affordable housing project.

Candace Erickson indicated that she likes the idea of reviving the Park City Housing Authority and would like more information on the concept of land-banking. She felt that MCHT is doing a great job and takes on as much as it can. However, there may be opportunities missed and she discussed the older housing stock that may benefit from subsidized loans. It may also be beneficial to clearly communicate to developers the specific type of housing needed in the community. Phyllis Robinson clarified that the development agreement spells out the required number of unit equivalents but not the type of housing. Marianne Cone expressed her desire to evaluate the effectiveness of the in-lieu-of fee program and pointed out that it would also be beneficial to publicize associated projects subsidized by this source. Joe Kernan emphasized the importance of all interested parties meeting on this issue and that the functions and services provided by MCHT are not duplicated. Jim Hier suggested looking at City–owned property, specifically the east side of the Snow Creek Parcel; the City could be more proactive. Mayor Williams agreed with Mr. Kernan's comments and felt there is an opportunity for public-private partnerships. He is uncertain of the role of the Park City Housing Authority and if there are benefits like eligibility for grants that may only be available to governmental agencies, but not non-profits like MCHT.

3. Appointment of Mayor Pro Tem and EDTAB members. Council members agreed to appoint Kay Calvert as Mayor Pro Tem and Joe Kernan, Alternate Mayor Pro Tem. Kim Leier explained that appointments to the Employees Discharge and Transfer Appeals Board are required by state code and there was consensus to appoint Jim Hier and Marianne Cone and Joe Kernan as the alternate member.

4. Review of regular meeting:

Olympic Legacy signs and projects. Pat Putt explained that in September 2002, there were extensive discussions about commemorating the Games and maintaining existing Olympic infrastructure, i.e., banner poles, flags, way-finding towers, etc., and the Land Management Code was amended accordingly. The original displays approved as part of the Master Festival License are allowed uses in their locations. Some worn banners and flags at the resorts have been replaced; however, there have been instances where the new wrap does not conform to the Code because replacements are not exclusively commemorative of the Games. The Commission also recommends that non-Olympic related commercial verbiage be allowed in not more than 20% of the banner area, which is similar to the regulation of the Main Street banners. This particular amendment addresses the replacement of old banners with other commemorative wraps.

In response to a question from Marianne Cone, it was explained that the 56 standards at Deer Valley were part of the original approval. With regard to the complaint from the Trimpers about the Park City Mountain Resort's mountain bike banner at 14th Street, Mr. Putt reported that the resort submitted a CUP application to move that banner to another location.

Bob Wells explained that the existing Deer Valley banners replaced the original banners, which had the name of the sponsors rather than the resort's name. The words *Deer Valley* substituted *Chevrolet* and the Olympic mark was added at the bottom of the banner. Marianne Cone commented that she would prefer the commercial component to be 20% of the total banner area, not 20% of every banner. Mr. Wells agreed with this approach and Kirsten Whetstone suggested language, *no more than 20% of the display*. Patrick Putt emphasized that the purpose of the commercial space allowance is to publicize events. The Mayor felt that this amendment is a big change and Candace Erickson interjected that this is consistent with the regulations for the Main Street banners, usually associated with master festival licenses. Marianne Cone pointed out that the displays at PCMR are large and 20% of the total area would result in a huge sign. Mark Harrington advised that a maximum square footage can be identified, but felt the City's interests are protected with the conditional use permit process. This brings up questions, however, about consensus on whether the name of the resort counts toward the 20% allowance and whether the existing banners are in compliance. There was extensive discussion about the Deer Valley banners and Bob Wells reiterated that the existing banners are different because the name Deer Valley replaced the name of Olympic corporate sponsors. Mark Harrington explained that the purpose of the amendment is to allow Olympic legacies to remain and the ordinance should be specific with regard to the appropriate allowable percentage for text. Mayor Williams understood that the only commercial language permitted is the name of the resort and the 20% area is intended for events. Candace Erickson pointed out that the actual name of an event could be The *Cadillac* Golf Tournament, for instance. Bob Wells added that signs must go through the MFL process, and the City Attorney advised that there still needs to be a code-based reason for denial. Marianne Cone argued that the wording Deer Valley on the banners is not necessarily genuine, but it was pointed out that Deer Valley Resort is an Olympic venue and there are Olympic elements on the banners. There was discussion about calculating text area and staff indicated that additional information on this element will be presented at the regular meeting.

This conversation occurred at the end of work session but appears here for ease of reference. Jim Hier suggested additional language to the effect "*that 20% of the display area may identify the venue location name. No additional commercial advertising is permitted as part of the Olympic Legacy display with the exception of the following. . .An additional 20% of the banner may be used for a display of events authorized by and subject to a master festival license*". This would allow for changing out an intermittent standard to promote an event. Mark Harrington pointed out that the intent of the legislation for Olympic Legacy displays and Main Street banners is somewhat different. The focus of the Olympic displays is to provide a mechanism to maintain them. The

Main Street banner exemption creates a resort atmosphere and allows for some commercial identification for sponsors that may enhance the same resort experience the City is trying to promote. He advised that Council decide which part of the code to amend, the LMC or Sign Code and cautioned that speech issues are precedent-setting and have a creeping effect. Marianne Cone believed that the Deer Valley flags are repetitive and it may be more visually attractive to eliminate some and or replace them with Olympic related designs or colors. Jim Hier felt the provisions should be in the Olympic Legacy section of the Code and Mark Harrington agreed and explained that he was trying to put this in perspective for Council. There was discussion about allowing an additional 20% of commercial space for licensed events.

Soils maintenance ordinance. Ron Ivie explained that this item is a map amendment adding the recently annexed Silver Star at Spiro Project area, which will also clarify the permit process for the developer. He assured Ms. Cone that there is no risk of contamination of the Spiro Tunnel water source with the associated work and additionally, the City will be regulating and controlling the project. The stability of the underlying soil is as critical as the top soil. He added that it appears as though the material will not be exported, and it is staff's intent to keep it on site.

Skate park expansion design contract. Michelle Stucker explained that staff was directed by Council to proceed with an RFP which has completed. The resulting recommendation is to award a contract to Site Design Inc in the amount of $35,050 for improvements to the north end of the skate park.

See regular meeting minutes.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JANUARY 13, 2005

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, January 13, 2004. Members in attendance were Dana Williams, Kay Calvert, Marianne Cone, Candace Erickson, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Ron Ivie, Chief Building Official; Patrick Putt, Planning and Zoning Administrator; and Brooks Robinson, Planner.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Joe Kernan disclosed that he has small recycling contracts with Royal Street, Park City Mountain Resort, Powdr Corp. and advocates of both sides of the Union Square issue. Candace Erickson disclosed that she is an employee of PCMR.

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

The Mayor invited the public to comment on any matter of City business not scheduled on the agenda.

<u>Sundance – shortage of packages for locals</u> - Destiny Grose stated that she voiced concerns to the Mayor earlier about the difficulty for locals to obtain packages for Sundance screenings this year. She hoped the City could intervene if changes have been made, so locals can participate at the same level as in previous years. Candace Erickson suggested that there may have been more on-line purchases this year. Tom Heffron acknowledged that the Festival has grown but the locals have been supportive since the early years of the event. There are 175,000 seats available at Park City venues during the Festival. He understands that Sundance released 45,000 tickets for City residents but also offered 41,000 tickets for Salt Lake and Ogden, which doesn't make sense. He felt that Sundance is taking away the local experience, hoped that the shortage this year was a fluke, and that the City will intervene on their behalf. Ms. Grose discussed patrons waiting in line for hours who should be made aware of the number of tickets available in the future years. Jim Hier requested that Sundance provide information on what happened this year and how to prevent this in the future. There was discussion about computer problems and the popularity of pre-sale packages.

With no further comments, the public input session was closed.

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF DECEMBER 9, AND DECEMBER 16, 2004

Hearing no omissions or corrections, the Mayor requested a motion to approve. Jim Hier, "I so move". Candace Erickson seconded. Motion unanimously carried.

V PUBLIC HEARINGS

1. Ordinance approving amendments to Title 11, Chapter 15, Park City Landscaping and Maintenance of Soil Cover, of the Municipal Code of Park City, Utah to include the Spiro Annexation Area – Ron Ivie explained that approval will amend the map to include the Spiro Annexation Area. The City will manage the work on the site. Hearing no public input, the Mayor closed the public hearing.

2. Ordinance amending the Land Management Code regarding Salt Lake City 2002 Olympic Winter Games for legacy displays – Patrick Putt referred to the work session discussion, adding that this legislation is intended to enable the City and the resorts to replace legacy wraps, flags and banners. He read the suggested language as follows:

15-15-1.190. Salt Lake City 2002 Olympic Winter Games Legacy Displays*: Official exhibits from the Salt Lake City 2002 Olympic Winter Games created and/or provided by the Salt Lake Organizing Committee (SLOC) as part of the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and approved by the City Council for installation on City property, public rights-of-way and/or within the areas that were Olympic Venue sites during the 2002 Winter Olympic Games at Park City Mountain Resort and Deer Valley Resort****, or replacement exhibits that expressly commemorate the Salt Lake City 2002 Olympic Winter Games.*** *~~Olympic Legacy Displays are specifically limited to Olympic way-finding towers, flagpoles, banner poles, and banners.~~* ***Olympic Legacy Displays may include the following additional information:***

a. Park City Municipal Corporation or Venue name and/or logo provided said information does not exceed 20% of the Display area; and/or

b. Master Festival Event identification provided said information does not exceed 20% of the Display area,

and is not displayed for more than two weeks unless otherwise approved as part of the Master Festival License (this language later added).

The Mayor opened the public hearing.

Mike Sweeney, HMBA, suggested 30% rather than 20% because it is closer to the percentage for allowable signage in windows, etc. With no further input, the public hearing was closed.

Joe Kernan asked if fellow members are comfortable with a total of 40%, including special events. Marianne Cone indicated she is not, but Jim Hier pointed out that there is a fixed time period for the MFL and feels it is appropriate to promote events. Mark Harrington advised that there could be additional language in Subsection (b) to limit displays to ten days, unless otherwise approved in the MFL. Bob Wells explained that the MFL allowance is not as important as maintaining Olympic legacies and the festive atmosphere they provide. It was clarified that the *Deer Valley* wording on banners totals 19% of the total banner space, which is consistent with PCMR's banner calculations.

VI CONSENT AGENDA

Kay Calvert, "I move to approve Consent Agenda Items 1 – 4". Jim Hier seconded. Motion unanimously carried.

1. Ordinance approving amendments to Title 11, Chapter 15, Park City Landscaping and Maintenance of Soil Cover, of the Municipal Code of Park City, Utah to include the Spiro Annexation Area – See staff report, work session notes, and public hearing.

2. Ordinance amending the Land Management Code regarding Salt Lake City 2002 Olympic Winter Games for legacy displays - See staff report, work session notes, and public hearing.

3. Authorization to enter into a professional services agreement with Site Design Group in the amount of $35,050 for design development for the skate park expansion, in a form approved by the Legal Department - See staff report and work session notes.

4. Resolution establishing a regular meeting date, time, and location for meetings of the City Council of Park City, Utah for 2005 - See staff report and work session notes.

VII RESIGNATIONS AND APPOINTMENTS

1. Appointment of Mayor Pro Tem and Alternate Mayor Pro Tem – Jim Hier, "I move to appoint Kay Calvert as Mayor Pro Tem and Joe Kernan as Alternate Mayor Pro Tem for 2005". Marianne Cone seconded. Motion unanimously carried.

2. Appointments of two members and an alternate to the Employee Transfer and Discharge Appeals Board – Kay Calvert, "I move to appoint Marianne Cone and Jim Hier and Joe Kernan as the Alternate". Candace Erickson seconded. Motion unanimously carried.

VIII OLD BUSINESS

City Council call-up of the Planning Commission approval of the Union Square Project Master Planned Development:

Presentations from staff and applicant – Patrick Putt explained that this project came on line about two years ago. Because of its mixed-uses, there was a zone change request which was processed in advance of the CUP. Staff's initial concerns related to the amount of site coverage and the size of the additions to the three historic buildings, including the Utah Coal & Lumber Building, Union Pacific Depot Building and the old shed. There was a lack of open and landscaped space and street level parking lot entrances, and although this plan was probably an allowable project, staff continued to work with the applicant. The zone change was approved by the Planning Commission but in November 2003, rather than approving the zone change, the City Council directed staff to work with the applicant on a master plan development solution for the property. This occurred over the past two years. On November 10, 2004, the Planning Commission approved a master plan for the site, including a 23 unit hotel, totaling 71,104 square feet. The total square footage for the project is 85,966, including the hotel and the additions proposed for the Depot Building and connecting areas. The City Council did not call up the entire MPD, but focused on two elements, the height and the open space. Mr. Putt continued that the maximum height in the HRC Zone is 32 feet, there is a small area of HCB, however there are no buildings proposed there at this point. Elevator penthouses are allowed in the eight foot height exception under the LMC. The Union Square Building steps in height and there are four primary roof planes. The maximum building height for the project is 62.5 feet measured from existing grade to the top of the parapet of the staircase and elevator penthouse. The other primary roofs range in elevation from existing grade from 12 to 17 feet, 35 to 37 feet, 53 to 55 feet, and 59 to 62 feet. This project was reduced in height from a plan submitted in August 2004 by approximately eight feet. He described in detail the square footages of each stepped-back level and its associated percentage of total building footprint and the total site area, which decreases as the building rises. The bulk of the highest point of the building is located in the center of the lowest grade of the site which is about eight to twelve feet below the elevation of the Heber Avenue sidewalk.

Mr. Putt explained that one way to analyze the project is to think of the area as a vacant lot. If the minimum zone setbacks in the HRC Zone and a 32 foot height allowance are applied to the 50,966 square foot site, not including Easy Street, the potential maximum building size is162,000 square feet. Taking out the historic buildings would result in a maximum of 141,000 square. The project, as proposed, on a vacant parcel is 53% of the potential maximum square footage, or 61% without the historic buildings.

Patrick Putt stated that here are three types of open space identified in the LMC. Landscaped open space may include local government facilities, necessary improvements, and playground equipment, excluding buildings and structures. Natural or undisturbed open space is an area with little or no improvements, which may include ridge line areas, slopes over 30%, wetlands, stream corridors, trail linkages, subdivision or condominium common areas or view corridors. Transfer development rights open space is defined as a portion of a master plan, PUD, cluster plan or other development plans from which density is permanently transferred. This area may be natural open space or landscaped open space. He relayed that it is staff's opinion that this project meets and exceeds the minimum requirements for a MPD of 30% and the identified open space are areas that are free of structures and restricted from future buildings, which will be memorialized in a development agreement once final action is taken. The open space includes the Easy Street walkway and provides linkages with Main Street, the Summit Watch Plaza, City Park Trail, small garden areas, plazas, and outdoor dining spaces. The MPD requirement for 30% open space can be a mix of private and public land. He emphasized that the initial plan with an approved CUP would not have required open space, just the setback requirements of the zone.

Through illustration of a rendering, Brooks Robinson discussed the open space areas. He referred to the Easy Street easement area granted in 1994, built Easy Street, and the history of the Pacific Avenue right-of-way. The open space calculation, including pedestrian plazas, courtyards and Easy Street, but not the including driveway, landscape planters, or remnant pieces between buildings, is 40%. With the driveway, landscape planters, and remnant pieces, the open space calculation increases to 51%. If the Easy Street easement is removed, the open space is still at 43% and then subtracting the Pacific Avenue right-of-way area, results in 38%. As a trained landscape architect, Mr. Robinson, emphasized that courtyards, pedestrian plazas, etc. are considered landscape. Staff feels confident that the open space as proposed meets the LMC definition and contributes to the project and the downtown core as a whole. In response to a question from Mayor Williams, Mr. Robinson discussed decks and outdoor dining areas. Overhead decks do not qualify as open space but plazas for outdoor dining are credited toward open space. Patrick Putt added that based on the title report, the applicant is the fee owner of a portion of Easy Street and the City has right-of-way for access. A 1982 agreement specifies the City's commitment to vacate that right-of-way. He continued that there is no provision in the LMC disqualifying easements from property ownership and these areas have been counted into the overall site numbers. The area above the underground parking structure is considered open space by the Planning Commission.

Patrick Putt outlined Council's options of affirming the Planning Commission's approval, denying it and reversing the Commission's decision of November 10, 2004, or to continue this item based on the need for additional information or analysis. It is staff's recommendation based on the Code, public input received, and the belief that this is a superior plan from the perspective of historic preservation and pedestrian areas, to uphold the MPD approval. He acknowledged the letter received today from Attorney Joe Tesch and asked that staff reserve the right to rebut his arguments.

Kay Calvert asked if the Marriott Summit Watch included easements in its open space calculations and Justin Heppler of Elliot Mahoney Architects explained that it is difficult to extrapolate some data because this project was built in phases. He understands that circulation areas qualified in their open space calculation. Mark Harrington advised that there was a vacation of the street and a new easement granted with the Marriott approval. In response to a question from Marianne Cone about submitting plans with lower heights, architect Craig Elliott stated that the initial design was lower but 40,000 square feet larger.

Philo Smith stated that he is the owner of three Union Square parcels since 1982. He discussed renovating the Union Pacific Depot Building and the Utah Coal & Lumber Building. He believes a hotel belongs on the site based on bed base information from the Chamber and a survey he personally conducted. In order for the hotel to work, the height is needed and he believes this is an excellent project. Mayor Williams reminded the public to limit comments to open space and height, which are the two reasons why the Council called the Union Square project up.

Craig Elliott, EMA, displayed renderings marked to illustrate open space areas and developable properties. The Planning Commission and staff agree that the types and nature of open space in Old Town is different than other parts of the City. Pedestrian plazas, outdoor dining, and sidewalks, etc. are appropriate urban uses and create values of light, air and space in and around structures. He felt that the owners have worked very hard to produce a quality project and emphasized that the Planning Commission held seven meetings to review Union Square. The question is whether the density and open space benefits support the height and it is difficult to grasp the impacts because the site is so unique with significant grade variations. Through use of a model, Mr. Elliott conducted an exercise using a sea level reference, demonstrating the visual impacts of the height and setbacks of structures with surrounding buildings. He added that input from adjacent property owners was taken seriously and affected the site plan. There was discussion about the mass of locating buildings lot line to lot line at heights of 32 feet which is allowed under the Code. Mr. Elliott emphasized that the height improves the design and makes it acceptable by minimizing additions, by stepping away from other structures, and by providing open space and outdoor activity spaces. The project steps away from Poison Creek providing views, air and light to the second floor condominiums where a minimum five foot setback is defined in the LMC. The new building mass is approximately 45 feet from the property line, reducing the mass and scale which is different than the Poison Creek, Silver Queen Hotel and the Gateway Buildings. The three historic properties on site have been renovated and relate to the height consideration accommodated through an MPD. Easy Street will be turned into a lively pedestrian walkway that links Summit Watch and Main Street. The site is adjacent to the Town Lift and consistent with the intent to create moderate bed base within walking distance to the Transit Center. All of the parking is located underground, providing storefronts at the pedestrian level, rather than portals to parking like the Gateway and Summit Watch. The construction approach will be green and the architecture is authentic, not a series of facades on a box; there is real mass and form. He felt the project will provide meaningful meeting space providing an opportunity to energize Old Town in non-peak intervals. The project brings people to Main Street and the project is better because of the MPD process. Kay Calvert believed the exercise of calculating density as if the site was vacant is inapplicable. In response to a question from Marianne Cone about the views from the fourth floor of Poison Creek, Mr. Elliott explained the MPD encouraged more space between buildings so there is a view of the mountains. At this point in the meeting, Mayor Williams invited public input.

Public input:

Joe Tesch, legal counsel for Jim Tozer, owner of the Gateway Center, stated that except for the height, this is a pretty good project. He referred to the deed for Easy Street, which has been described by the applicants as a pedestrian mall. Although the deed is fee simple in the owner's name, in most cases when streets are vacated, ownership is split in the middle of the street. Easy Street (aka Pacific Avenue or the Lumber Yard) is not a dedicated street but Park City has maintained it and has acquired the right to use it by prescription and by implied dedication. He quoted portions of the deed, *"(1) It is the desire of the parties to describe the easement so that it accurately matches the physical location of Pacific Avenue. . . (2) Each of the parties . . .hereby grants to Park City Municipal Corporation for the use of the City and the general public the following described easement. . .(3) It is the intent of the parties to merely correct the previous area in description and to preserve all access of all existing parcels as they now exist. (4) The easement is granted for the purpose of use as a public street including the location of public utilities within the easement by Park City Municipal Corporation and other organizations"*. Mr. Tesch pointed out that the open space, including Easy Street, is 20,396 square feet and 26% of this building is higher than anything else in the zone. He insisted that there be photographs of the balloon float conducted on December 16, 2004, which should be part of the record. The project is good for the developer but not for the neighbors whose concerns should be addressed. There is a reason for setting height so everyone has a view; loss of views devalues property and increases the value of Union Square. The open space seems woefully deficient. Mr. Tesch emphasized that they are not complaining about the footprint but are opposed to using open space calculations, which may include a public street or an easement, as leverage to increase the height. This should not justify doubling the height of a building and variations of grade should not be considered, only natural grade. He stated that they believe this is a wonderful project and they hope it can work within the limits of the Code, which they believe is 32 feet.

Chad Carter, Old Town resident and Main Street business owner, stated that he lives on Ontario which overlooks many roof tops in town. The difference here is that there aren't ugly rooftop mechanical features and from the street, the building is stepped-back. Union Square will create a needed anchor in the area with its destination bed base. The applicant has also given a lot of thought about tying into Summit Watch.

Becky Taylor, advocate for Marie Rosenbloom, stated that she has heard the Union Square presentation and has worked in hospitality at the Grand Summit Hotel. She has an issue that will bring world wide attention to Park City and was told by the *administration* that public input begins at 6:30 p.m. She continued that Ms. Rosenbloom, who is in the audience, is hearing-impaired and the state of Utah is a wife beating state. The Mayor interrupted her, advising that Council meetings and public input are advertised to begin at 6 p.m. At this point in the meeting, the hearing on Union

Square is underway, and he urged her to return to another meeting. It is unfair to the applicants and the public to disrupt the proceedings. Ms. Taylor insisted that she was misinformed about the meeting time and will be in touch with the Mayor's Office.

Jeffrey Kuhn, resident and developer, pointed out that historic sites are often challenging and the Code isn't able to address every specific condition. Owners are encouraged to save historic structures, maintain setbacks and step the buildings back for better streetscapes. These concepts often involve manipulating density on the site accommodated through the MPD process. He stated that Council is left with making a *qualitative* analysis on *quantitative* decisions. He supports the Union Square project.

David Belz, Old Town resident and architect, felt that the site is located within the City's *urban core* where the City is planning a civic center at a cost of $13 million. There is a nationwide trend to bring bed base and vitality to downtown areas by having people live and visit there and this site seems appropriate. He was very disappointed when the MPD process was eliminated in the Historic District, but pleased when it was brought back, because it is a tools to create better designs. There are some very poor designs, showcasing a barrage of garage doors because an underground parking structure was not a choice. There were disputes over the height of the Marriott Mountainside at PCMC, which was massed appropriately and many agree is an asset to the community. Urban open space makes places vibrant. He felt that once Union Square is built, height will not be an issue.

David Zatz, resident and business owner, felt that the building is too high. He agrees that the concept is good, but it is too high for Park City. The views are the attraction on Main Street.

Kathy Kinsman, Citizens Allied for Responsible Growth, stated that members followed this project through the Planning Commission process and were pleased with the results, but CARG still has issues with the height of the building and the open space calculations.

Jeff Smith, resident and local roofing contractor, stated that the height differential is not going to make a *hill of beans* in the perception of the mass of the building. The view of Main Street won't change with the Union Square Project. It's a good project with open space in exchange for height. He urged Council to approve a project that will attract people to Main Street. Variations in buildings are critical to accommodate view sheds and building massing.

Dale Nelson, 20 year resident, pointed out that Council goals include world-class resort, and historic and open space preservation. She felt that Union Square is top quality and unique and will attract a good clientele. Additionally, convention space is badly needed and adding bed base heavily outweighs any height differential.

Chris Nelson, resident and business owner, felt that this is about a *variance* of about five feet three inches. Variances are necessary in certain situations. He doubted that the building is 32 feet higher than other buildings, alleged by Mr. Tesch. He stated that the Gateway is eight feet taller and visually massive and there are several existing buildings that appear to be 26% over the height allowance. This is a great project because *there aren't 1,500 people in the hallway saying this is a bad project*. Main Street is woefully in need of a high end project providing a bed base to support businesses. He again emphasized that it is only five feet.

Mike Sweeney, representing the Main Street Business Alliance, referred to letters from Tom Terry of Tommy Knockers and Jerry Giloman, owner of the Riverhorse Café. Council members indicated that they have already received them. He shared his analysis of the balloon float and perceptions of heights from different grades and concluded that the Union Square height is not excessive. He prefers height over spanning development.

Bill Shoaf, Union Square partner, thanked Joe Tesch for consistently being complimentary of their work. With regard to arguments about measuring from natural grade, he explained that the Union Pacific Railroad significantly altered the site by building a turn-around and Heber Avenue was raised eight to ten feet when Deer Valley Drive was constructed. One of the reasons this project ended up in the MPD process was because natural grade couldn't be determined and because of zoning issues. Easy Street exists because there is a lot there which had to have access from a public way and is deeded accordingly. The vehicular access will be abandoned with platting. With regard to accusations of developer's greed, he emphasized that eliminating 40,000 square feet of allowable development, versus gaining five feet of height is not a profitable decision. Mr. Shoaf discussed the history of the height concept which was prompted by City staff. This will cost them money, but it is the best solution. There have been hundreds of hours of input and it is their desire to bring a five star product to this town to energize Main Street.

Gordon Montana, maitre' d of Easy Street Brassiere, was amazed that the owners consider public input and care about their neighbors. This doesn't happen in Detroit and it's impressive.

Monty Hurt, Marriott Summit Plaza business owner, doesn't feel that the Poison Creek trail brings many people to this area. He likes the project, especially the connection which will make a big difference directing patrons to plaza businesses. Stepping back the buildings will eliminate any canyon effect.

Judy Jackson, resident and Main Street business owner, expressed that she doesn't want big buildings in Park City but Main Street needs support and as a business owner, she is struggling to stay in business. This will be a quality project because of the people. She urged Council to *bet on the people*, not the five feet.

<u>Action</u>

Joe Kernan acknowledged that the Union Square project has the potential of obstructing views from the Silver Queen, Gateway and Poison Creek Buildings, but not in an unexpected or inappropriate manner. In addition, there's synergy with the historic buildings on the property. The stepping-back of buildings and providing a connection to the Summit Watch are also beneficial. The height doesn't create excessive square footage and more than 30% of useable open space will be provided. Mr. Kernan stated that he supports the Planning Commission decision. Candace Erickson admitted that she has struggled with the height issue, but the project meets MPD criteria. The square footage is not increased and visual impacts have been minimized as opposed to building lot line to lot line at 32 feet. However, the Aquacade is still too close to the building. Although the project meets the definitions of open space, the types of open space should be better defined in the future. She felt that a 62 foot building is extremely high and is confused by the five foot references throughout the meeting. She fears that approval will set a precedent and advised that the additional height granted to the Summit Wasatch project was allowed as a part of negotiating for property to accommodate the construction of Deer Valley Drive.

Marianne Cone stated that she is supportive of constructing a hotel in the area but felt the height considerably diminishes the historic buildings. She spoke about the parapet on the building which draws the eye to the mass of the building. Much of the open space is for the applicants' benefit and tied to Union Square and she questioned the public benefit. Ms. Cone quoted the General Plan under community character, "*The Historic downtown area is an attraction for visitors. . . but the scale of new development threatens to detract from the charm of Main Street*". She felt this is a problem with Union Square.

Kay Calvert stated she is also conflicted, but believes that the calculations are correct, She agreed with Ms. Cone's comments on open space areas, however, the facts bear that the project meets established parameters. Despite these concerns, she has a tremendous amount of respect for the owners based on their renovations of Zooms and the Easy Street Brassiere and will be voting in favor of the project.

Candace Erickson stated that she has a problem considering decks and outdoor dining areas as open space and hopes that the set-backs will eliminate the canyon effect already prevalent on Main Street. Jim Hier, "<u>I move that we affirm the November 10, 2004 Planning Commission approval of the Union Square Master Planned Development</u>". Joe Kernan seconded. <u>Motion unanimously carried</u>.

IX ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned and the Park City Redevelopment Agency, Municipal Building Authority and Water Service District meetings convened.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 4:30 p.m. Members in attendance were Mayor Dana Williams, Kay Calvert, Marianne Cone, Candace Erickson, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager and Mark Harrington, City Attorney. Joe Kernan "I move to close the meeting to discuss property and litigation". Kay Calvert seconded. Motion carried unanimously. The meeting opened at approximately 6 p.m.

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 Council
Staff Report

Planning

Author: **Kirsten Whetstone**
Subject: **7013 Silver Lake Drive plat amendment**
Date: **January 27, 2005**
Type of Item: **Administrative**

SUMMARY RECOMMENDATION: Conduct a public hearing, consider public input, and approve an amendment to the amended Evergreen Subdivision plat to revise a ski easement on Lot 10.

Topic

Applicant:	Mary Francis Bailey
Project Address:	7013 Silver Lake Drive (Lot 10 Evergreen Subdivision)
Zoning:	Residential Development as part of the Deer Valley Master Planned Development (RD-MPD)
Adjacent Land Uses	Residential and Deer Valley ski runs
Reason for Review	Amendments to subdivision plats requires Planning Commission review and City Council approval.

Background

On October 22, 2004 the applicant submitted an application for a plat amendment to revise the location and extent of a private ski easement located on Lot 10 of the Evergreen Subdivision. The amended Evergreen Subdivision plat was recorded at Summit County on May 17, 1988. Lot 10 is located on the down hill side of Silver Lake Drive with direct access to adjacent Last Chance ski/hiking trail of the Deer Valley Resort (below the bridge) (see attached Exhibits). Lots 11, 12, and 13 gain access to the ski run across the back yards of Lots 9 and 10. Lot 9 also has direct access to the adjacent ski run.

A private ski easement exists over the entire back of Lots 9, 10, 11, 12, and 13 for the mutual benefit of lot owners to provide ski away access to and from adjacent runs. There is also a 30' wide ski easement located along the west property boundary (property line shared with Lot 9) of Lot 10. The subdivision plat identifies these easements as ski easements, but does not specifically limit use to particular lots.

Currently, there are houses on Lots 9, 10, 11, and 12 as well as on Lots 2 and 3 (across the street). The owner of Lot 2 also owns Lot 1 located directly on the Last Chance ski trail (above the bridge) across the street from Lot 9. Lots 2 and 3 have ski access across the ski easement on Lots 1 and 2.

The applicants are requesting that the easement across Lot 10 be revised as indicated on the plat amendment (see Exhibit). They propose to remove the 30' wide easement from the area between the houses on Lots 9 and 10 as this area is steep, narrow, and landscaped with boulders and large trees. Due to the physical constraints this 30' wide easement is not used in either summer or winter to gain access to the ski run (see letter from Joe Booker of 7008 Silver Lake Drive). The applicants also propose to move the ski easement further to the north behind the house to accommodate revisions to the rear of the house at 7013 Silver Lake Drive (lot 10).

On January 12, 2005 the Planning Commission held a public hearing and voted to forward to the City Council a positive recommendation to approve the plat amendment. There was no public comment at the meeting.

Analysis

Ski easements are platted on the Evergreen plat but are not separately recorded. The easements are for the private use and benefit of the owners of Evergreen. Staff has reviewed the Evergreen CC&Rs (Codes, Covenants & Restrictions) and finds that the Declarant, Deer Valley Resort Company, expressly reserved these platted ski easements for the benefits of the Owner of each Lot in the subdivision. While the ski easements are shown on a recorded plat, the City is not a party to the ski easement. Lot 10, owned by the applicants, is burdened by this ski easement, while all lot owners in the Evergreen subdivision are collectively benefited.

Since the location of the non-exclusive easement has been dedicated by subdivision plat, the State Code rules regarding modification and amendment apply (UCA 10-9-808-810). Any modification must therefore meet the standards of 1) good cause; and 2) no material injury. The October 14, 2004 letter from Bob Wells (see Exhibit) demonstrates good cause for the amendment.

Staff also finds that the proposed amendments to the ski easements cause no material injury in that the easement between Lots 9 and 10 is not usable as a ski easement. Staff has inspected this easement. In addition, the downhill lots take access from the easements behind those houses and the uphill lots have ski access via easements that exist over the rear of lots 1 and 2, with direct access to the Last Chance ski run above the bridge. The easement below the houses provides equal or superior access in the new configuration.

The applicant has submitted a letter from Mr. Joe Booker, owner of Lots 1 and 2 across the street, who does not object to the amendments. The Evergreen Architectural Committee has reviewed the requested modifications to the house and ski easements (see letter).

Department Review

The interdepartmental review team has reviewed this project. At such time as a final plat is required, the City Engineer and City Attorney will review the plat as to form and for compliance with State law and the Land Management Code prior to recordation.

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

ALTERNATIVES

A. The City Council may approve the plat amendment as conditioned or amended, or;

B. The City Council may deny the plat amendment and direct staff to prepare findings supporting this recommendation, or

C. The City Council may continue the discussion with direction to staff and the applicant to provide additional information and/or analysis.

SIGNIFICANT IMPACTS
There are no significant fiscal or environmental impacts with this application. Staff finds the proposal to be compatible with the surrounding development pattern.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION
The ski easement will remain as is.

RECOMMENDATION
The staff recommends City Council conduct a public hearing, consider any input, and approve the plat amendment based on the findings of fact, conclusions of law and conditions of approval as stated in the attached Ordinance.

EXHIBITS
Ordinance
Exhibit A- Proposed plat amendment
Exhibit B- October 14, 2004 letter from Bob Wells
Exhibit C- December 7, 2004 letter from Brad Wilson
Exhibit D- December 16, 2004 letter from Joe Booker (Owner of Lots 1 and 2)

Ordinance No.

AN ORDINANCE APPROVING A PLAT AMENDMENT FOR 7013 SILVER LAKE DRIVE, Lot 10 AMENDED EVERGREEN SUBDIVISION, PARK CITY, UTAH

WHEREAS, the owners of lot 10 of the Evergreen Subdivision, located at 7013 Silver Lake Drive have petitioned the City Council for approval of 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 January 12, 2005, to receive input on the proposed plat amendment;

WHEREAS, the Planning Commission, on January 12, 2005, forwarded a positive recommendation to the City Council; and,

WHEREAS, on January 27, 2005, the City Council held a public hearing and approved the proposed plat amendment; and

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

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

SECTION 1. APPROVAL. The plat amendment as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 7013 Silver Lake Drive, also known as Lot 10 of the Evergreen Subdivision. The property is zoned Residential Development (RD) within the Deer Valley Master Planned Development. The property is developed with one single family residence.
2. A non-exclusive ski easement exists on the lot for the benefit of the owners in Evergreen.
3. The Evergreen Architectural Committee has given approval of the design to modify the existing house and ski easement.
4. The Declarant of the easement, in a letter from Bob Wells of Deer Valley, has given approval of the revised ski easement and plat amendment.
5. The Evergreen Codes, Covenants and Restrictions state that the Ski Easements shall not limit or restrict buildings on the lot in a manner permitted by the CC&R's.

6. The existing 30’ wide ski easement between Lots 9 and 10 is located on a very steep slope that is landscaped with large boulders and trees.
7. Lots 1, 2, and 3 have access to and from the ski runs via easements across Lots 2 and 3 and have a physically safe and ski-able access route to the Last Chance ski trail making the ski easement between Lots 9 and 10 unnecessary.
8. The revised and regarded ski easement across the back of Lot 10 will not diminish the ski access for Lots 11, 12, and 13.
9. Relocation of the ski easement enables an addition to occur on the lot which is consistent with adjacent lots and the subdivision generally.
10. Owner is aware that the City’s authority to approve this plat amendment is currently being litigated in two cases (ABS v. Park City and Brad and Lisa Wilson (case No. 20040295); and ABS v. Brad and Lisa Wilson, Evergreen Architectural Review Committee, et. al (case No. 020500398)) and owner agrees to proceed at their own risk.
11. On January 12, 2005 the Planning Commission conducted a public hearing and voted to forward to the City Council a positive recommendation to approve the plat amendment. There was no public input given at the meeting.

Conclusions of Law:

1. There is good cause for this plat amendment.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.

Conditions of Approval:

1. The Conditions of Approval for the Evergreen subdivision, as amended remain in full force and effect.
2. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the plat.
3. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year’s time, this approval and the plat will be void.
4. If it is determined by judicial ruling that the City does not have the authority to approve relocation of any of the ski easements by plat amendment, this ordinance shall be null and void.

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

PASSED AND ADOPTED this 27th day of January, 2005.

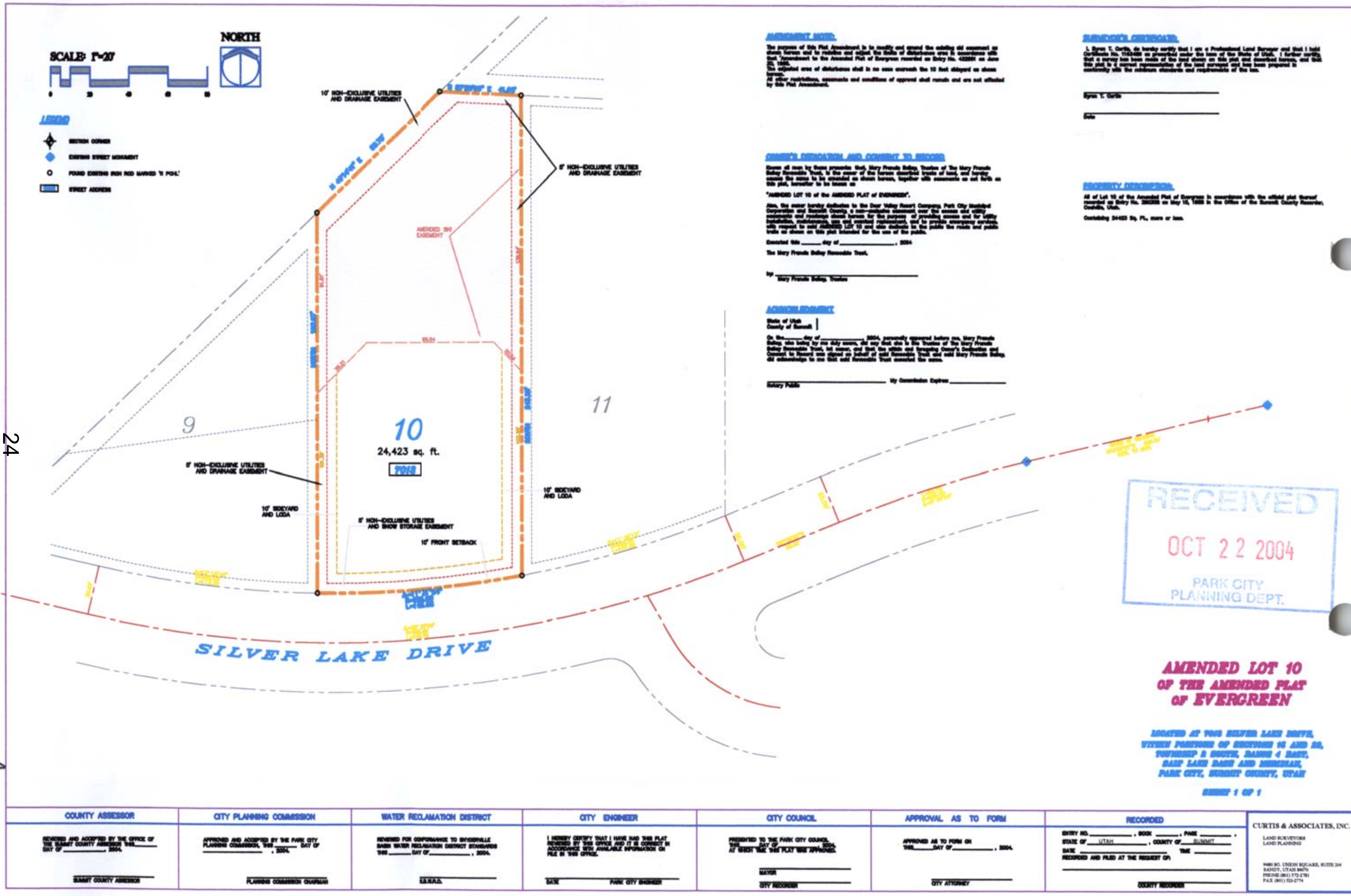
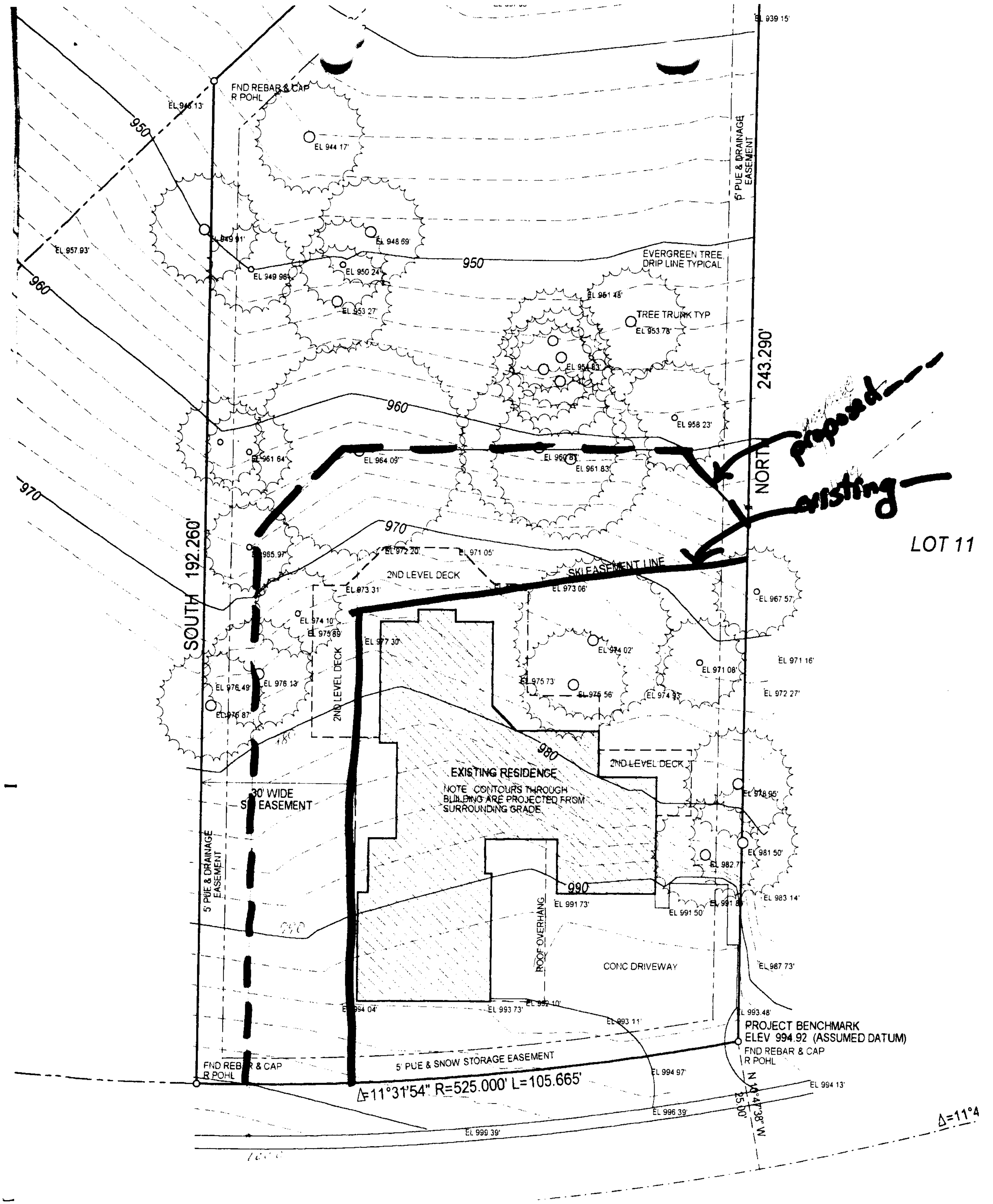
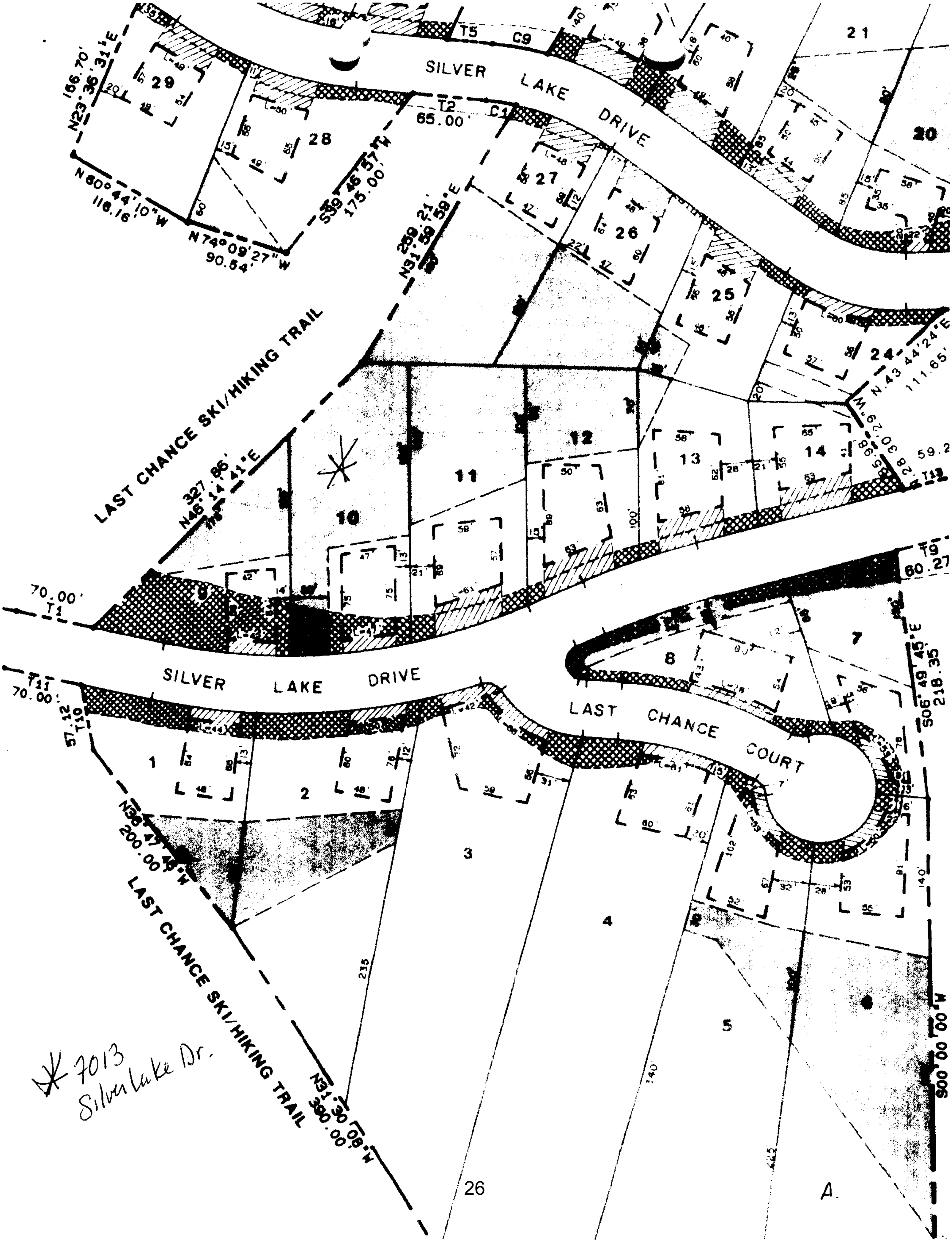

SCALE: 1"=20'
NORTH
LEGEND
10' NON-EXCLUSIVE UTILITIES AND DRAINAGE EASEMENT
5' NON-EXCLUSIVE UTILITIES AND DRAINAGE EASEMENT
AMENDED SKI EASEMENT
9
10
24,423 sq. ft.
11
10' SIDEYARD AND LODA
5' NON-EXCLUSIVE UTILITIES AND SNOW STORAGE EASEMENT
10' FRONT SETBACK
SILVER LAKE DRIVE
RECEIVED
OCT 22 2004
PARK CITY PLANNING DEPT.
AMENDED LOT 10 OF THE AMENDED PLAT OF EVERGREEN
COUNTY ASSESSOR
CITY PLANNING COMMISSION
WATER RECLAMATION DISTRICT
CITY ENGINEER
CITY COUNCIL
APPROVAL AS TO FORM
RECORDED
UTAH
SUMMIT
CURTIS & ASSOCIATES, INC.
LAND SURVEYORS
LAND PLANNING

EXHIBIT A.


FND REBAR & CAP
R POHL
EL 944 17'
5' PUE & DRAINAGE EASEMENT
EL 948 69'
EL 957.93'
950
960
970
980
990
EVERGREEN TREE
DRIP LINE TYPICAL
TREE TRUNK TYP
EL 953.78'
243.290'
NORTH
proposed
existing
LOT 11
SKI EASEMENT LINE
2ND LEVEL DECK
SOUTH 192.260'
EXISTING RESIDENCE
NOTE CONTOURS THROUGH
BUILDING ARE PROJECTED FROM
SURROUNDING GRADE
30' WIDE
SKI EASEMENT
5' PUE & DRAINAGE EASEMENT
ROOF OVERHANG
CONC DRIVEWAY
PROJECT BENCHMARK
ELEV 994.92 (ASSUMED DATUM)
5' PUE & SNOW STORAGE EASEMENT
Δ=11°31'54" R=525.000' L=105.665'
N 10°47'38" W
25.00'
Δ=11°4

A.



7013 Silverlake Dr.

A.

DEER VALLEY

October 14, 2004

Mr. Tom Barham
Mr. Michael Upwall
By Fax to 649-7945

Re: Remodel and Addition to Bailey Residence at Lot 10 Evergreen

Dear Tom and Mike:

Thank you for the submission of plans for addition and remodel of the subject existing residence at Lot 10 Evergreen. The Declarant, Deer Valley Resort Company, has reviewed the plans for compliance with the CC&Rs of the subdivision and the Deer Valley Design Guidelines. The Declarant approves the plans with the following conditions and comments:

1. We assume that upon completion of the remodel and addition landscaping will be restored consistent with that presently existing.
2. Water and drain lines may be in outside walls in the Main level master bath, laundry and butler areas. If this is the case extra care should be taken in insulation and heating of these areas to prevent freezing.
3. Construction drawings (a) should be stamped by a licensed structural engineer, (b) provide for the minimum insulation requirements set forth in Section IV.11(f) of the CC&Rs, and (c) provide for fire sprinklers.
4. Roof appurtenances including vents are required by the CC&Rs to be contained within the roof and roof structures. This appears to be the case by final details are not reflected on the drawings received.
5. A portion of the existing residence encroaches slightly into the ski easement reflected on the plat of the subdivision on the west side. The rear and west side decks of the proposed addition also encroach onto the platted ski easement. Such encroachments are at the risk of the owner. In the Declarant's opinion, the encroachments proposed are minimal and of no practical consequence. However, the Declarant has no authority on its own to modify the subdivision plat. Two alternatives are available, one being to obtain the written consent, in recordable form if possible, of the owners of Lot 9 on the west side, Lot 2 across the street to the South, and Lot 11 on the east side, and the second being to process a plat amendment with Park City Municipal Corporation. The plat amendment process is the preferred alternative since it would modify the plat so that the encroachments are no longer encroachments and preclude future objection.

P. O. Box 889 • Park City, Utah 84060-0889 • 435.649.1000 • Fax 435.649.1910
www.deervalley.com

Exhibit B

DEER VALLEY®

The design review is a general one. It is not intended to substitute for building review as administered by Park City Municipal Corporation and other government agencies nor is it a substitute for professional architecture or engineering practice. The review is administered by lay personnel for the purpose of assisting in the development of a project that is compatible with the quality of the overall Deer Valley Resort, that avoids problems experienced by others in development in a mountain climate, and that complies with CC&Rs applicable to the property and the Deer Valley Design Guidelines. The Declarant does not assume any responsibility or liability to present or future owners of the property reviewed or to adjacent or nearby property owners.

Thank you for your cooperation.

Very truly yours,

DEER VALLEY RESORT COMPANY

By ____________________
Robert W. Wells

Cc: Brad Wilson – Evergreen Architectural Review Committee

December 7th 2004

Mr. Tom Barnham
Mr. Michael Upwall
Via Fax 649-7945

Re: Remodel and addition to Bailey Residence at Lot 10 Evergreen.

Tom and Mike,

As the representative for the Evergreen Architectural Committee I have reviewed your plans for compliance with the CC& R's. I have noted and concur with the five points mentioned in Bob Wells letter dated 10/14/04. I would add to his comment five that my recommendation is that the plat amendment approach be taken even if the neighbors approve of the removal of part of the ski easement.

Based on everything you submitted I believe you are in compliance with the CC&R's and I therefore approve on behalf of the Architectural Committee.

Sincerely,

Brad Wilson

Cc: Bob Wells Deer Valley

EXHIBIT C

"To: Park City Planning Department
C/O Kirsten Whetstone

December 16, 2004

From: Joe Booker

RE: Request for Plat Amendment by Owner of 7013 Silver Drive, Park City, Utah

It is my understanding that The Mary Frances Bailey Revocable Trust, Owner of the property located at 7013 Silver Lake Drive on lot 10 of the Evergreen Subdivision, has applied for a plat amendment which would abandon the ski easement between lot 9 and lot 10.

I am the owner of lots 1 and 2 of the Evergreen Subdivision and the home located at 7008 Silver Lake Drive, Park City, Utah. My property is located directly across the street and immediately south of 7013 Silver Lake Drive.

Please be advised that I have no objections whatsoever to the proposed plat amendment which would abandon the ski easement between lots 9 and 10 as described above. It is a treacherous slope which would preclude all but the most experienced skier from accessing the easement safely. To my knowledge no previous owner of my property has ever used the easement. Also safer and easier ski access is available to and from my property and the property adjacent to my house precluding forever in my judgment the need for the abandoned easement in the future by future owners of this property.

Sincerely,

Joe Booker
7008 Silver Lake Drive
Park City, Utah 84060"

EXHIBIT Δ.

CITY COUNCIL
Staff Report

PARK CITY
1884

PLANNING DEPARTMENT

Planner: **Ray Milliner**
Subject: **1403 PARK AVENUE ROS AMENDME**
Date: **January 27, 2005**
Type of Item: **Administrative; Plat Amendment**

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

DESCRIPTION

Project Name:	1403 Park Avenue
Project Planner:	Ray Milliner
Applicant:	Lift Line HOA
Location:	1403 Park Avenue
Zone:	Historic Residential Medium (HRM)

BACKGROUND

The applicants are the owners of units 204 and 304 of the Lift Line condominiums located at 1403 Park Avenue. The applicant is requesting a record of survey amendment to the existing Lift Line Condominium plat to accommodate an existing structural change, which added a stairwell connecting units 204 and 304, made to the building in 1998. On July 28, 1999, the Planning Commission reviewed and forwarded a positive recommendation to the City Council a similar amendment. The amendment was reviewed by the City Council on September 2, 1999 and approved (see attached ordinance Exhibit B). The approval was not recorded within one year of approval and expired.

ANALYSIS

The property is located in the HRM zone. The proposed use is allowed in the zone. As stated, the changes to the structure were made in 1998 connecting the lower garage to unit 204 and a stairwell connecting unit 204 to unit 304. No loss of parking results from this application; however the applicant is proposing that the corner garage space for unit 304 be converted to private ownership because of the direct entrance to the unit.

NOTICE

Notice of this hearing was sent to property owners within 300' on December 30, 2004. Staff has received no comments from the public at the time of this writing.

DEPARTMENT REVIEW

Ordinance No. 05-

AN ORDINANCE APPROVING AN AMENDMENT TO AMEND THE RECORD OF SURVEY PLAT FOR THE LIFT LINE CONDOMINIUMS, LOCATED AT 1403 PARK AVENUE PARK CITY, UTAH

WHEREAS, the owner of the property known as Lift Line Condominiums units 304 and 204 , has petitioned the City Council for approval of a plat amendment; and

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

WHEREAS, on January 12, 2005 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, the proposed plat amendment allows the property owner to remove one lot line between two lots of record creating one lot of record; and

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

1. The property is located in the Historic Residential Medium (HRM) zone.
2. The HRM zone is a residential zone characterized by a mix of contemporary residences, condominiums and smaller historic homes.
3. Work on the building to combine units 204 and 304 of the Lift Line Condominiums was completed in 1998.
4. An amendment to the Record of Survey Plat to accommodate the work was reviewed by the Planning Commission on July 28. 1999.
5. The City Council approved the amendment to the Record of Survey on September 2, 1999.
6. The record of survey approval from 1999 was not recorded within one year of City Council approval and therefore expired.
7. The amendment will combine units 304 and 204 of the Lift Line Condominiums into one unit, thereby memorializing the work done in 1998.
8. The proposed amendment will not result in an increase to the square footage of the Lift Line Condominiums.
9. The proposed amendment will not reduce the number of parking spaces

available at the Lift Line Condominiums.
10. The property has frontage on Park Avenue.
11. No remnant lots will be created as a result of this application.

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

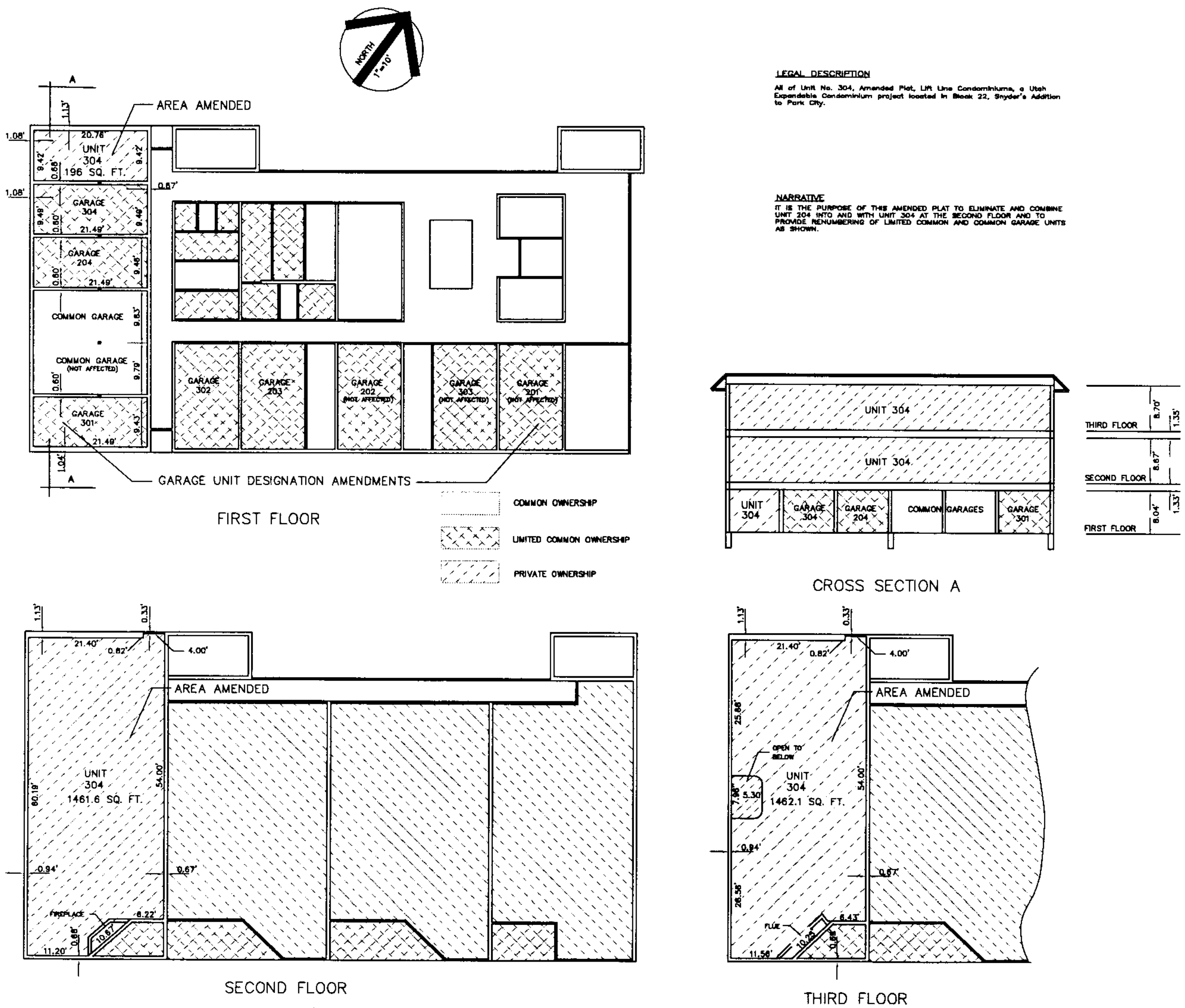
1. There is good cause for this amendment.
2. The amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed amendment.
4. As conditioned the amendment is consistent with the Park City General 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 the final form and content of the plat for compliance with the Land Management Code and conditions of approval are a condition precedent to recording the plat.
2. The private ownership garage for unit 304 shall remain as a parking space.
3. All other conditions of approval of the Lift Line Condominium project continue to apply.
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.

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

PASSED AND ADOPTED this 27th day of January 2005.



LEGAL DESCRIPTION

All of Unit No. 304, Amended Plat, Lift Line Condominiums, a Utah Expandable Condominium project located in Block 22, Snyder's Addition to Park City.

NARRATIVE

IT IS THE PURPOSE OF THIS AMENDED PLAT TO ELIMINATE AND COMBINE UNIT 204 INTO AND WITH UNIT 304 AT THE SECOND FLOOR AND TO PROVIDE RENUMBERING OF LIMITED COMMON AND COMMON GARAGE UNITS AS SHOWN.

SURVEYOR'S CERTIFICATE :

I, RANDY J. SORENSON, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 155898 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT THIS DRAWING CORRECTLY REPRESENTS UNIT 304, AMENDED PLAT OF LIFT LINE CONDOMINIUMS, AMENDING THE ORIGINAL UNIT 204 AND 304 AS SHOWN ON THE RECORD OF SURVEY MAP OF LIFT LINE CONDOMINIUMS, CONDOMINIUM PROJECT RECORDED AS ENTRY #177743, DATED MARCH, 25, 1981.

____
Randy J. Sorenson

____
Date

CONSENT TO RECORD :

The undersigned, The Lift Line Condominium Homeowners Association consents to the recordation of this Amended Plat of The Lift Line Condominiums

____
President

ACKNOWLEDGMENT

STATE of _______________
COUNTY of _______________

On this ______ Day of _______________, 20____, personally appeared before me, _______________, who being by me duly sworn, did say he is the President of the The Lift Line Condominiums Homeowner's Association and that the within and foregoing Consent to Record was signed on behalf of said The Lift Line Condominium Homeowners Association and said _______________ duly Acknowledged that said The Lift Line Condominiums Homeowners Association executed the same.

Notary Public _______________ My Commission expires: ________

Residing at _______________ County of __________, Utah

OWNERS CONSENT TO RECORD :

The undersigned owners of units 204 and 304 consent to the Recordation of the Amendment and of the Amended Plat of Lift Line Condominiums.

_______________ Owner, Unit 204

_______________ Owner, Unit 304

ACKNOWLEDGMENT

STATE of _______________
COUNTY of _______________

On this ______ Day of _______________, 20____, personally appeared before me, _______________, who being by me duly sworn, did say he/she is the Owner of Unit 204 and 304 and that the within and foregoing Owner's Dedication and Consent to Record was signed.

Notary Public _______________ My Commission expires: ________

Residing at _______________ County of __________, Utah

AMENDED PLAT
UNITS 204 & 304,
LIFT LINE CONDOMINIUMS
A UTAH EXPANDABLE CONDOMINIUM PROJECT

LOCATED IN BLOCK 22,
SNYDER'S ADDITION TO PARK CITY
PARK CITY, SUMMIT COUNTY, UTAH

Sheet 1 of 1

COUNTY ASSESSOR	CITY PLANNING COMMISSION	WATER RECLAMATION DISTRICT	CITY ENGINEER	CITY COUNCIL	APPROVAL AS TO FORM	RECORDED
REVIEWED AND ACCEPTED BY THE OFFICE OF THE SUMMIT COUNTY ASSESSOR THIS____ DAY OF ________, 2003. SUMMIT COUNTY ASSESSOR	APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION, THIS ______ DAY OF __________, 2003. PLANNING COMMISSION CHAIRMAN	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS THIS ______ DAY OF ________, 2003. S.B.W.R.D.	I HEREBY CERTIFY THAT I HAVE HAD THIS PLAT REVIEWED BY THIS OFFICE AND IT IS CORRECT IN ACCORDANCE WITH AVAILABLE INFORMATION ON FILE IN THIS OFFICE. DATE PARK CITY ENGINEER	PRESENTED TO THE PARK CITY COUNCIL THIS____DAY OF________, 2003, AT WHICH TIME THIS PLAT WAS APPROVED. MAYOR CITY RECORDER	APPROVED AS TO FORM ON THIS____DAY OF________, 2003. CITY ATTORNEY	ENTRY NO.______, BOOK ______, PAGE ______ STATE OF UTAH, COUNTY OF SUMMIT DATE ______ TIME ______ RECORDED AND FILED AT THE REQUEST OF: COUNTY RECORDER

JACK JOHNSON COMPANY
Designing World Destinations

OCT 29 2004

To: Honorable Mayor/Members of City Council
From: Jan Scott, City Recorder
Date: January 27, 2005

Acceptance of disclosure statements

State law requires elected officials to annually file a disclosure statement with the City Recorder and Park City complies by way of action on the agenda. The affidavits must be kept current, and Council is encouraged to promptly update information when change occurs. Staff recommends acceptance.

STATE OF UTAH)
ss
COUNTY OF SUMMIT)

AFFIDAVIT

Comes now Dana Williams, and having been first duly sworn, deposes and says as follows:

1. That I am currently an elected officer of Park City Municipal Corporation serving in the capacity of Mayor.

2. That I reside at:

2384 Doc Holiday Drive, Park City, Utah

3. That I am an officer, director, agent, employee or my spouse is the owner of substantial interest in the following entities which are subject to regulation by Park City Municipal Corporation (or do, or intend to do business with Park City Municipal Corporation):

Associate broker with Coldwell Banker Residential Realty

4. That I have the following investments and personal interest which could have the appearance of a conflict of interest:

Own property at 2384 Doc Holiday Drive, Park City, Utah

5. That I do not represent nor intend to represent or assist any persons or business entities in a transaction which involves Park City Municipal Corporation.

6. That I acknowledge and understand that if I obtain additional employment, investments or personal interest subject to Park City regulation or which increase the potential of conflict with my duties as a City Council member or if the nature or value of the interest disclosed in this Affidavit changes significantly or if the value of the interest in the business entity increases significantly at any time during my appointment and service with the City, I will file an updated disclosure

FURTHER Affiant sayeth naught.

DATED this 27th day of January, 2005.

STATE OF UTAH)
ss
COUNTY OF SUMMIT)

AFFIDAVIT

Comes now Kay Calvert, and having been first duly sworn, deposes and says as follows:

1. That I am currently an elected officer of Park City Municipal Corporation serving in the capacity of City Council member.

2. That I reside at 1505 Crescent Road, Park City, Utah

3. That I am an officer, director, agent, employee or my spouse is the owner of substantial interest in the following entities which are subject to regulation by Park City Municipal Corporation (or do, or intend to do business with Park City Municipal Corporation):

K Calvert Consulting

4. That I have the following investments and personal interest which could have the appearance of a conflict of interest:

Own property at:
1505 Crescent Road, Park City

5. That I do not represent nor intend to represent or assist any persons or business entities in a transaction which involves Park City Municipal Corporation.

6. That I acknowledge and understand that if I obtain additional employment, investments or personal interest subject to Park City regulation or which increase the potential of conflict with my duties as a City Council member or if the nature or value of the interest disclosed in this Affidavit changes significantly or if the value of the interest in the business entity increases significantly at any time during my appointment and service with the City, I will file an updated disclosure

FURTHER Affiant sayeth naught.

DATED this 27th day of January, 2005.

STATE OF UTAH)
ss
COUNTY OF SUMMIT)

AFFIDAVIT

Comes now Marianne Cone, and having been first duly sworn, deposes and says as follows:

1. That I am currently an elected officer of Park City Municipal Corporation serving in the capacity of City Council member.

2. That I reside at 86 Prospect Avenue, Park City, Utah

3. That I am an officer, director, agent, employee or my spouse is the owner of substantial interest in the following entities which are subject to regulation by Park City Municipal Corporation (or do, or intend to do business with Park City Municipal Corporation):

Spouse is President of the Park City Board of Education

4. That I have the following investments and personal interest which could have the appearance of a conflict of interest:

Own property at:
86 Prospect Avenue, Park City

5. That I do not represent nor intend to represent or assist any persons or business entities in a transaction which involves Park City Municipal Corporation.

6. That I acknowledge and understand that if I obtain additional employment, investments or personal interest subject to Park City regulation or which increase the potential of conflict with my duties as a City Council member or if the nature or value of the interest disclosed in this Affidavit changes significantly or if the value of the interest in the business entity increases significantly at any time during my appointment and service with the City, I will file an updated disclosure

FURTHER Affiant sayeth naught.

DATED this 27th day of January, 2005.

STATE OF UTAH)
ss
COUNTY OF SUMMIT)

AFFIDAVIT

Comes now Candace Erickson, and having been first duly sworn, deposes and says as follows:

1. That I am currently an elected officer of Park City Municipal Corporation serving in the capacity of City Council member.

2. That I reside at: 2614 Little Kate Road, Park City, Utah

3. That I am an officer, director, agent, employee or my spouse is the owner of substantial interest in the following entities which are subject to regulation by Park City Municipal Corporation (or do, or intend to do business with Park City Municipal Corporation):

Park City Mountain Resort
Cole Sport
Spouse is employed by Stantec Inc.

4. That I have the following investments and personal interest which could have the appearance of a conflict of interest:

Own home at 2614 Little Kate Road.

5. That I do not represent nor intend to represent or assist any persons or business entities in a transaction which involves Park City Municipal Corporation.

6. That I acknowledge and understand that if I obtain additional employment, investments or personal interest subject to Park City regulation or which increase the potential of conflict with my duties as a City Council member or if the nature or value of the interest disclosed in this Affidavit changes significantly or if the value of the interest in the business entity increases significantly at any time during my appointment and service with the City, I will file an updated disclosure

FURTHER Affiant sayeth naught.

DATED this 27th day of January, 2005.

STATE OF UTAH)
ss
COUNTY OF SUMMIT)

AFFIDAVIT

Comes now Jim Hier, and having been first duly sworn, deposes and says as follows:

1. That I am currently an elected officer of Park City Municipal Corporation serving in the capacity of City Council member.

2. That I reside at 2599 Morning Sky Court, Park City, Utah 84060

3. That I am an officer, director, agent, employee or my spouse is the owner of substantial interest in the following entities which are subject to regulation by Park City Municipal Corporation (or do, or intend to do business with Park City Municipal Corporation):

Real estate agent for Jess Reid Realty, Park City, Utah

4. That I have the following investments and personal interest, which could have the appearance of a conflict of interest:

Own property at:
2599 Morning Sky Court, Park City

5. That I do not represent nor intend to represent or assist any persons or business entities in a transaction, which involves Park City Municipal Corporation.

6. That I acknowledge and understand that if I obtain additional employment, investments or personal interest subject to Park City regulation or which increase the potential of conflict with my duties as a City Council member or if the nature or value of the interest disclosed in this Affidavit changes significantly or if the value of the interest in the business entity increases significantly at any time during my appointment and service with the City, I will file an updated disclosure

FURTHER Affiant sayeth naught.

DATED this 27th day of January, 2005.

STATE OF UTAH)
ss
COUNTY OF SUMMIT)

AFFIDAVIT

Comes now Joe Kernan, and having been first duly sworn, deposes and says as follows:

1. That I am currently an elected officer of Park City Municipal Corporation serving in the capacity of City Council member.

2. That I reside at 1970 Stryker Avenue, Park City, Utah 84060

3. That I am an officer, director, agent, employee or my spouse is the owner of substantial interest in the following entities which are subject to regulation by Park City Municipal Corporation (or do, or intend to do business with Park City Municipal Corporation):

Owner of Good Earth Recycling, a Park City company having contracts with numerous local businesses, individuals, organizations, and governmental entities including a contract with Park City Municipal Corporation for recycling pick-up services valued at approximately $200 per month

4. That I have the following investments and personal interest, which could have the appearance of a conflict of interest:

Own property at 1970 Stryker Avenue, Park City, Utah 84060

50% owner of County Curbside Inc., a recycling company which contracts with Summit County to pick up recycling in several Park City neighborhoods and all of South Summit County, valued at approximately $11,000 per month

Minority interest of 2,500 shares in American Skiing Company, the owner of the Canyons Ski Resort.

5. That I do not represent nor intend to represent or assist any persons or business entities in a transaction, which involves Park City Municipal Corporation.

6. That I acknowledge and understand that if I obtain additional employment, investments or personal interest subject to Park City regulation or which increase the potential of conflict with my duties as a City Council member or if the nature or value of the interest disclosed in this Affidavit changes significantly or if the value of the interest in the business entity increases significantly at any time during my appointment and service with the City, I will file an updated disclosure.

FURTHER Affiant sayeth naught.

DATED this 27th day of January, 2005.

CITY COUNCIL
Staff Report

Subject:	**WILBURN WEST ANNEXATION PETITION**
Date:	**January 27, 2005**
Type of Item:	**Legislative**

RECOMMENDATION: Staff recommends that the City Council Review the submitted annexation petition and take action to either accept or reject the petition for annexation.

DESCRIPTION

Project Name:	Wilburn West Annexation
Project Planner:	Ray Milliner
Applicant:	Nancy Rossman
Location:	Metes and Bounds Parcel Located adjacent to the Cove Phase II in Summit County between The Cove and the Round Valley City Owned Open Space

BACKGROUND

On January 5, 2005 the applicant filed a petition for annexation with the City Recorder for annexation of a metes and bounds parcel of 40.73 acres currently within the jurisdiction of Summit County. The parcel is located between the Cove Phase II condominiums and the City owned open space in Round Valley. Access to the property is proposed from existing Eagle Cove Drive. No other applications have been filed as part of this application, however the applicant is requesting that the property be zoned RD with an allowance of 3 duplexes for a total of 6 units.

Staff has worked with the applicant to ensure that all materials required to form a complete annexation petition according to provisions of the City's Annexation Policy Plan have been filed. A signed annexation plat, prepared by a licensed surveyor, has been filed. The applicant also has provided necessary notification of the intent to file the petition to the required affected entities.

The property is currently undeveloped. Information regarding ownership, wildlife, traffic, water rights, affordable housing, public utilities and fiscal impacts have been submitted as part of this annexation petition.

ANALYSIS

The property consists of a 40.73 acre metes and bounds parcel that is contiguous to the Park City Municipal boundary. The parcel is within the Annexation Expansion Area, as described by the adopted Annexation Policy Plan. After determining that the annexation petition application is complete pursuant to the City's Annexation Policy Plan, staff scheduled the petition for City Council acceptance or rejection at its first regularly scheduled meeting that is at least 14 days after the date the petition was filed, as required by state law.

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's decision to accept or reject the petition is not governed by statutory criteria: subject to constitutional restraints, acceptance or rejection is at the Council's discretion. It is important to note that a decision to reject the petition ends the annexation process, while a decision to accept the petition allows the process to continue for further consideration via the certification and subsequent public hearing process. Acceptance of the petition does not represent final action or approval of the annexation

If the Council accepts the petition, then a 30-day certification review process will commence wherein Staff will determine whether the petition meets all requirements of Utah State Code Sections 10-2-403(2), (3), and (4). 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 applicant 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.

Alternatives: It is important to note that pursuant to Utah State Code Section 10-2-405(1)(a)(i)(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 was filed (this meeting, January 27, 2005), then the annexation petition shall be considered accepted for further consideration. Accordingly, taking no action and/or continuing this item are not options available to the Council; either action represents acceptance of the petition. Council alternatives include:

1. Accept the annexation petition for further consideration, thereby triggering the 30-day certification review process;
2. Reject the annexation petition, thereby ending the annexation process; or
3. Do nothing or continue the item. Pursuant to state law, the annexation petition is considered accepted for further consideration, thereby triggering the 30-day certification review process.

RECOMMENDATION

Staff recommends the Council review the petition for annexation of the acre parcel and take action to either accept for further review, or reject, the petition.

EXHIBITS

Exhibit A – Proposed Annexation Plat