



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
December 5, 2019**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regular City Council meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Ave, Park City, Utah 84060 for the purposes and at the times as described below on Thursday, December 5, 2019.

CLOSED SESSION - 2:45 p.m.

To Discuss Property, Personnel and Litigation

WORK SESSION

3:30 p.m. - Discuss Affordable Housing Land Management Code Revisions

[Affordable Housing LMC Amendments Staff Report](#)

[Affordable Master Planned Development Code Audit Report - Cascadia Partners](#)

5:00 p.m. - Break

5:15 p.m. - Discuss Sundance Film Festival Transportation and Programming

[Sundance Film Festival 2020 Transportation Programming Staff Report](#)

[Exhibit A: PCMC Transportation Plans, Time Period, Sundance Letter and Cost Analysis](#)

REGULAR MEETING - 6:00 p.m.

I. ROLL CALL

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council Questions and Comments

Staff Communications Report

1. Medical Cannabis Land Use Regulations
[Medical Cannabis Land Use Regulation Staff Report](#)
2. Food Truck Update
[Food Truck Report](#)

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

IV. CONSIDERATION OF MINUTES

V. CONSENT AGENDA

1. Request to Approve a Five (5) Year Agricultural Lease with Pace Brothers Excavation LLC on the 129 Acre City-Owned Pace Property, Located Adjacent to the Rail Trail, in a Form Approved by the City Attorney
[Pace Agricultural Lease Staff Report](#)
2. Request to Authorize the City Manager to Execute a Professional Services Agreement, in a Form Approved by the City Attorney, with Jacobs, Inc., for the 3Kings Water Treatment Plant (3KWTP) Construction Engineering Services Contract in an Amount Not to Exceed \$6,500,000.00
[3KWTP Construction Engineering Contract Staff Report](#)
[Exhibit A: 3KWTP Contracts Summary Table](#)
3. Request to Approve Special Event Temporary Alcoholic Beverage Licenses during the 2020 Sundance Film Festival
[Special Event Temporary Liquor License Staff Report](#)
[Exhibit A: December 5 Liquor List of Locations](#)
[Exhibit B: December 5 Map of Liquor Locations](#)
4. Request to Approve Type 2 Convention Sales License Applications for Operation During the 2020 Sundance Film Festival
[CSL Staff Report](#)
[Exhibit A: December 5 CSL Locations List](#)
[Exhibit B: December 5 Map of CSL Locations](#)
5. Request to Authorize the Following Annual Insurance Premiums to Fund the City's Insurance Placements for the 2020 Calendar Year: Property Insurance: \$188,163 and Auto Physical Damage: \$81,117 to Liberty Mutual; Public Entity Liability Insurance: \$174,523 to States Self-Insurers Risk Retention Group, Inc.; Workers' Compensation Insurance: \$153,976 for the Workers Compensation Fund; Cyber Liability Insurances: \$32,650 to Beazley Insurance Co.; Crime Insurance: \$4,193 to Travelers Insurance Co.; and Drone Insurance: \$630.00 to Global Aerospace
[2020 Annual Insurance Placement Staff Report](#)

VI. OLD BUSINESS

1. Consideration to Approve Ordinance 2019-58, an Ordinance Approving the Argent at Empire Pass Condominiums Plat Located at 7677 Village Way, Park City, Utah
(A) Public Hearing (B) Action
[Argent at Empire Pass Staff Report and Ordinance](#)
[Exhibit A: Condo Plat Plans](#)
[Exhibit B: Applicant's Project Description](#)
[Exhibit C: Approved Subdivision Plat Empire Pass Village North](#)

[Exhibit D: VEP MPD](#)

[Exhibit E: Amended Development Agreement Link](#)

[Exhibit F: Technical Reports](#)

2. Consideration to Approve Ordinance 2019-59, an Ordinance Approving the Lilac Hill Condominiums Plat at 632 Deer Valley Loop, Park City, Utah
(A) Public Hearing (B) Action
[Deer Valley Loop Staff Report](#)
[Exhibit A: Planning Commission Staff Report](#)
3. Discuss Park Silly Sunday Market Two-Year Contract Renewal Request
(A) Public Input
[PSSM Renewal Request Staff Report](#)
[Exhibit A: PSSM Proposed Term Sheet and Letter of Intent](#)
4. Discuss Kimball Art Festival 2020 Change Request
(A) Public Input
[2020 Kimball Arts Festival Changes Staff Report](#)
[Exhibit A: Kimball Arts Festival Proposed Changes](#)

VII. NEW BUSINESS

1. Consideration to Approve Ordinance No. 2019-57, an Ordinance Approving the Little Maggie Subdivision Located at 57 and 59 Prospect Avenue, Park City, Utah
(A) Public Hearing (B) Action
[Little Maggie Subdivision Staff Report](#)
[Exhibit A: Draft Ordinance](#)
[Exhibit B: Survey](#)
[Exhibit C: Aerial Photographs and Site Photographs](#)
[Exhibit D: Applicant's Project Description](#)
2. Consideration to Continue an Ordinance Approving the Lilac Hill East Subdivision Plat, Located at 622, 652, and 660 Rossie Hill Drive, Park City, Utah
(A) Public Hearing (B) Continue to January 9, 2020
[Lilac Hill East Continuation Staff Report](#)
3. Consideration to Approve Ordinance 2019-60, an Ordinance Approving the 245 Woodside Plat, Located at 245 Woodside Avenue, Park City, Utah
(A) Public Hearing (B) Action
[245 Woodside Plat Amendment Staff Report](#)
[Exhibit A: Draft Ordinance with Proposed Plat](#)
[Exhibit B: Applicant's Project Intent](#)
[Exhibit C: Existing Conditions Survey](#)
[Exhibit D: Aerial Photograph](#)
[Exhibit E: County Plat Map](#)
[Exhibit F: Site Photographs](#)

Exhibit G: Planning Director Determination September 26, 2019

4. Consideration to Approve Ordinance 2019-61, an Ordinance Approving the Lift Lodge at Town Lift, Second Amended Plat Located at 875 Main Street, Park City, Utah
(A) Public Hearing (B) Action
875 Main Street Condominium Plat Amendment Staff Report
Exhibit A: Ordinance and Proposed Plat
Exhibit B: First Amendment To The Lift Lodge At Town Lift (existing plat)
Exhibit C: Aerial Image
Exhibit D: Applicant Submittal
Exhibit E: 1982 Agreement
Exhibit F: 1992 Agreement Amending the 1982 Agreement
Exhibit G: Site Photos

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 4:00 p.m. to 9:00 p.m. Posted: See: www.parkcity.org

***Parking validations will be provided for Council meeting attendees that park in the China Bridge parking structure.**

Council Agenda Item Report

Meeting Date: December 5, 2019

Submitted by: Jason Glidden

Submitting Department: Community Development

Item Type: Staff Report

Agenda Section:

Subject:

3:30 p.m. - Discuss Affordable Housing Land Management Code Revisions

Suggested Action:

Staff requests the City Council discuss the information presented and provide feedback to staff on possible revisions to the Land Management Code as it relates to the Affordable/Attainable Housing.

Attachments:

[Affordable Housing LMC Amendments Staff Report](#)

[Affordable Master Planned Development Code Audit Report - Cascadia Partners](#)

City Council Staff Report

Subject: Affordable Housing Land Management Code Revisions

Author: Jason Glidden, Housing Development Manager

Department: Community Development - Housing

Date: December 5, 2019

Type of Item: Work Session Discussion

Recommendation

Review and provide feedback on the Housing Report provided by Cascadia Partners LLC, the City's third-party expert, on applying code-related to changes to reduce barriers and facilitate more community and affordable housing. This is the second opportunity for Council and the public to meet in person and discuss Cascadia's recommendations.

In addition to the City's aggressive efforts to build community and affordable housing (Central Park Condos, Retreat at The Park, Prospector, Woodside Phase I & II, etc.), Council desired a deeper zoning code analysis to determine if there are additional opportunities to incentivize the private sector and target previously untapped opportunities for public-private partnerships. In short, without the help of private developers and large employers stepping up to meet the demands of their workforce needs, Park City Municipal (PCMC) cannot meet the community's housing goals alone.

Zoning related housing strategies, such as proposed by Cascadia (parking, density, height, setbacks, open space, etc.), are neither uncommon nor unusual strategies deployed in cities and towns across the Country. Despite the familiar tactics being recommended, local zoning is always a sensitive issue, particularly as local officials seek to balance overall community needs with the individual needs and wants of neighborhoods.

Staff supports Cascadia's recommendations (a collection thereof), and has always considered PCMC's goal of 800 units of new housing as a collaborative endeavor. In other words, our goal is only possible with additional housing "tools," such zoning-related changes, private development, and public-private partnerships.

Background

In support of Council's goal of 800 new affordable housing units by 2026, Housing and Planning proposed LMC revisions on May 17, 2018 ([New Business Item #3](#)). Council expressed concern that the proposed changes to dimensional impacts of the revisions were not clear, would not adequately incentivize private developers, and only City funded developed projects would benefit.

In response, Cascadia Partners visually modeled the potential outcomes of the proposed code revisions, including economic outcomes for a private developer. Based on the analysis, Cascadia has several recommendations to our code that would close the funding gaps that exist in the current Park City housing development market.

Available land in Park City is scarce, expensive, and heavily regulated. In order to incentivize private sector housing development, there are several well-known, yet often

controversial, areas of the LMC that could be updated; density, height, setbacks, buffers, open space, lot coverage, and parking requirements. Cascadia's analysis suggests that the financial development formula, as a result of code restrictions, makes private sector development of affordable housing infeasible in our current environment. Instead, aggressive code amendments could be made, along with public sector partnership in terms of land, grants, and financial subsidies, in order to reduce the financing gaps.

Cascadia identified three key dimensional parameters (in addition to height, open space and parking reductions proposed by staff in 2018) that will reduce the need of the City and/or other public dollars to subsidize affordable housing development:

1. Reduce buffers completely - additional setbacks between uses;
2. Increase allowable lot coverage - maximum allowed building footprints or Floor Area Ratios (FAR); and
3. Further reduce the number of parking spaces per unit.

The extent by which these dimensional parameters are revised will ultimately determine if private developer can develop affordable housing and make adequate profit. As shown in Exhibit A, Cascadia recommends reducing the necessary public subsidy for private development of affordable housing from over 60 percent subsidy (worst case scenario) to a 20 percent subsidy (similar to current City developed subsidy).

In addition, Cascadia has adhered to Council community concerns regarding growth, and provided focus away from the Historic Districts and instead directing recommended code changes towards the Recreation Commercial and General Commercial zones.

Cascadia's additional analysis resulted in the following recommendations that require careful consideration if PCMC seeks to move the needle on housing beyond our own development projects:

- Strive for Predictable, By-Right Standards – removes the developers obligation to request exemptions when developing affordable housing;
- Decrease Base Zone Setbacks – remove increased set back requirements (currently 25 feet) for Affordable Housing Master Planned Developments and allow projects to meet the setbacks set forth in the base zoning;
- Reduce Open Space Requirements from 40% to 15% - Focus on Achieving Active Open Space;
- Appropriately Size Parking for Infill Projects – reduce parking requirements from 1 parking space per unit to .5 parking spaces per unit; and
- Allow for additional height - 1 Extra Floor Outside of Historic Districts.

Full recommendation descriptions are found on page 18 of the Affordable Master Planned Development Code Audit Report - (Exhibit A).

The consultant's conclusion that private sector housing development as economically infeasible, even if the land is donated by the City, is alarming. This is largely due to a private developer seeking a 12% return on their investment for a rental development, and 18% for a for-sale development. By moving forward with some collection of the recommendations (eliminating buffers (increased setbacks), increasing lot coverage or

density, and further reducing parking), will hopefully decrease the gap between beyond what the 2018 proposed code revisions accomplished.

Though changes to the LMC will reduce the financing gap, it is likely that the City may still provide subsidies to make private, affordable housing projects pencil. The notion of providing a “pot” of affordable housing money that private developers could compete and apply for to develop housing is appealing to staff on many levels. Not only does it create collaborative partners working towards the community’s housing goals, but it also reduces City-related construction, labor, and liability costs. In addition, staff remains firm the community’s housing obligations extend far beyond just the municipality, in that large employers will need to begin to more aggressively address their employees housing needs.

The specific direction requested from Council:

1. Which LMC revisions should staff pursue as they relate to the affordable housing MPD in the Recreation Commercial and General Commercial zones?
 - a. If none, are there other tools Council wants to pursue to further the City’s goals of 800 units by 2026?

Funding

No funding is associated with the LMC revisions.

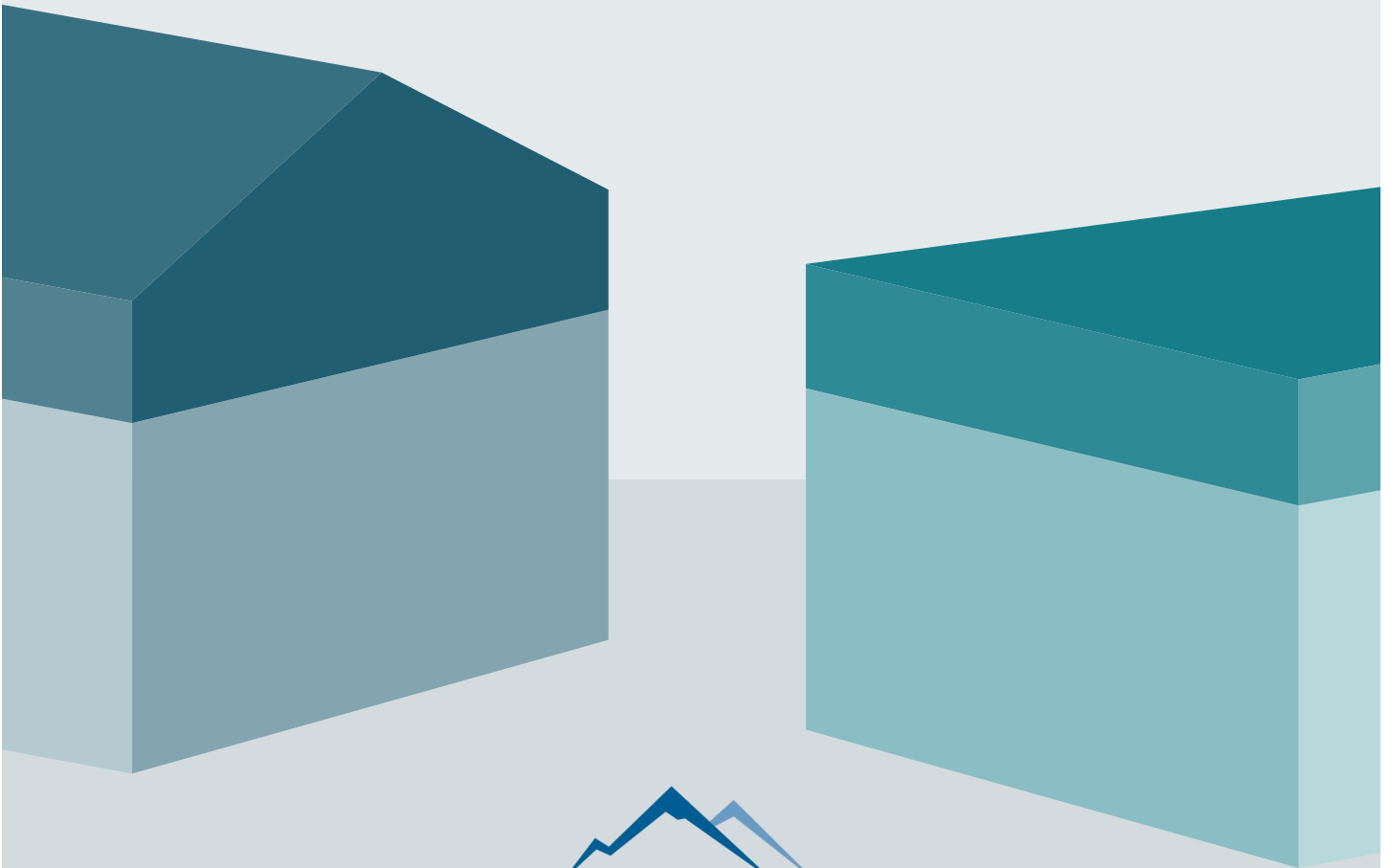
Attachments

EXHIBIT A Affordable Master Planned Development Code Audit Report – Developed By Cascadia Partners



Affordable Master Planned Development Code Audit Report

Identifying Zoning and Housing Development Barriers
Draft | November 25, 2019



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Why evaluate the code?

In February 2015, Park City made “Middle Income, Affordable and Attainable Housing” one of the Community Critical Priorities. The goal is to facilitate a range of quality, affordable housing opportunities that meet the life-cycle needs of Park City households at all economic levels. This remains an accute challenge for a host of reasons, and like any complex issue, addressing affordability will require a wide range of actions. This report is narrowly focused on improving the potential of the City's affordable housing density bonus program to be a more effective piece of the puzzle. Specifically, this report provides a detailed evaluation of the draft Affordable Housing Master Plan Development (AMPD) standards and offers recommended changes.

In August 2016, City Council set a goal of adding 800 new affordable housing units to the existing inventory of 498 units by 2026 with an interim goal of 220 units by the year 2020. State and local tools for achieving these goals are more limited in Utah than in other states. In addition, Park City’s extremely high land costs, historically high construction costs and relatively modest zoning density allowances combine to limit the market’s ability to deliver modest home prices, let alone affordable housing.

Aside from the mandatory 10% affordable housing requirement currently in place, the primary way the City adds more affordable housing is by building it themselves. The only other tool and incentive the City has in place are a modest set of density bonus allowances within the existing AMPD standards. However, these existing AMPD standards have not incentivized the development of any new affordable units.

At the direction of Council, staff prepared a set of expanded affordable housing density bonus provisions for the AMPD in May of 2018. The purpose of the density bonus provisions is to allow for increased density in exchange for affordable units – and the larger the share of affordable units and deeper the level of affordability, the larger the density bonus.

To understand the impact of the draft density bonus standards and evaluate other potential strategies for achieving affordability, Park City contracted with Cascadia Partners to perform a detailed evaluation. Cascadia Partners works with cities across the country to calibrate development policy to meet community goals, such as affordability.



Background: Density + Affordability

Density Bonuses as a Tool

Trading extra density in exchange for affordable housing is a widely used tool across the county. The key to whether this policy works well or not is in the details of how this trade of density and affordability is balanced. It is important to remember that these are incentives and not requirements, so if the incentive is not properly calibrated, developers will opt not to participate - and no affordable units will be built. A project that includes the density bonus and affordable housing requirement must have more value to a builder than doing a smaller project allowed without the density bonus. In many communities, the balance is not calibrated correctly, developers opt not to participate and density bonus programs are not broadly used.

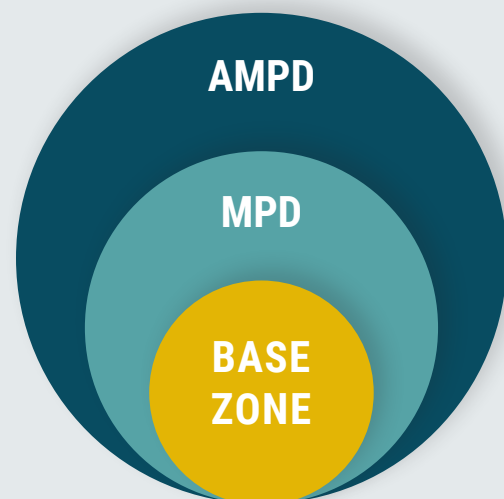
How Density is Defined Matters

Density can be thought of in narrow terms, such as housing units per acre, but in most density bonus programs, density is thought of more broadly. For instance, in addition to allowing more housing units per acre, most density bonus programs also allow greater lot coverage, reduced setbacks, lower landscaping requirements, reductions in parking requirements, or increases in height. The existing and draft AMPD standards focus almost entirely on increasing housing units per acre. As will be detailed in the analysis within this report, a broader set of density-related development standards should be considered as part of any revisions to the AMPD standards in order to be most effective.

MPD vs. Existing MPD vs. Draft AMPD

Master Planned Development (MPD) standards were established to provide additional development guidance for relatively large projects on large tracts of land. As such, the standards include significant open space and edge buffering requirements. However, any project with 10 or more units is required to go through an MPD review process in order to get permitted, which means that even modest-sized, infill projects of multifamily or “missing middle” housing would be subject to these standards.

It is important to understand that MPD standards add to or modify the standards of the base zone districts of a given property. And if an MPD project opts to take advantage of an affordable housing density bonus, the AMPD standards would then be layered on top of both of those two other sets of standards. In order to understand the various outcomes from this nested set of standards, this analysis evaluates the impact of the draft AMPD standards across three different zone districts.



Terms and Definitions

The following definitions are provided as clarification for the reader as the report frequently refers back to these terms.

Area Median Income (AMI): A calculation of annual household income determined by the US Department of Housing and Urban Development (HUD) based on the median household in a region. Income levels are categorized as extremely low income (less than or equal to 30 percent of AMI), very low income (31 to 50 percent of AMI), low income (51 to 80 percent of AMI), and moderate income (81 to 100 percent of AMI).

Based on HUD calculations, 100 percent AMI for a family of four in Park City, Utah is \$109,800. This translates into a 3-bedroom unit at 1,150 minimum square feet with a maximum monthly rent (inclusive of utilities) or a mortgage payment of \$2,745 inclusive of HOA fees and property taxes.

At the same AMI level of 100%, a family of three corresponds to a 2-bedroom unit at 900 minimum square feet with a maximum monthly rent or mortgage of \$2,196.

Affordable Housing: Housing costs (rent plus basic utilities or mortgage, tax, insurance and/or Homeowners Association payments) that consume no more than 30 percent of a household’s income. Based on local wages, Park City defines affordable housing as those units affordable to households with incomes at or below 100 percent of AMI.

Attainable Housing: Housing that is affordable to households with incomes between 101 and 150 percent of AMI. The Draft AMPD language expands the density bonus program to allow Attainable Housing to be eligible for a bonus. The modeling, analysis, and financial results in this report are reflective of the Attainable Housing definition of affordability.

A table of monthly rent or mortgage payment required based on family size and AMI levels is provided below.

AMI	Family Size							
	One (SRO)	One (Studio)	One (One-bedroom)	Two (Two-bedroom)	Three (Three-bedroom)	Four (Three-bedroom)	Five (Four-bedroom)	Six (Four-bedroom)
30%	\$233	\$432	\$576	\$659	\$741	\$824	\$889	\$955
40%	\$311	\$576	\$769	\$878	\$988	\$1,098	\$1,186	\$1,274
45%	\$350	\$649	\$865	\$988	\$1,112	\$1,235	\$2,223	\$2,388
50%	\$389	\$721	\$961	\$1,098	\$1,235	\$1,373	\$1,482	\$1,592
60%	\$467	\$865	\$1,153	\$1,318	\$1,482	\$1,647	\$1,779	\$1,911
80%	-	\$1,153	\$1,537	\$1,757	\$1,976	\$2,196	\$2,372	\$2,547
100%	-	\$1,441	\$1,922	\$2,196	\$2,471	\$2,745	\$2,965	\$3,184
120%	-	\$1,729	\$2,306	\$2,635	\$2,965	\$3,294	\$3,558	\$3,821
150%	-	\$2,162	\$2,882	\$3,294	\$3,706	\$4,118	\$4,447	\$4,776
175%	-	\$2,522	\$3,363	\$3,843	\$4,323	\$4,804	\$5,188	\$5,572
200%	-	\$2,882	\$3,843	\$4,392	\$4,941	\$5,490	\$5,929	\$6,368

Code Audit Approach

The code audit involved testing existing base zone and MPD standards, and existing and proposed AMPD standards on three sites in separate zone districts. For each site, the team created conceptual site plans and associated pro forma to model both the form and financial implications of the different policies. Dozens of pro forma models were created to evaluate different combinations of development programs and potential policy changes.

The existing zoning standards were modeled and evaluated to establish a "base case" for comparison and to identify any major challenges. Then alternative zone standards were modeled to compare the relative effect of a potential change. A wide variety of standards were tested, including density, setbacks, buffers, open space, FAR (floor area ratio), lot coverage and parking.

Key Modeling Parameters

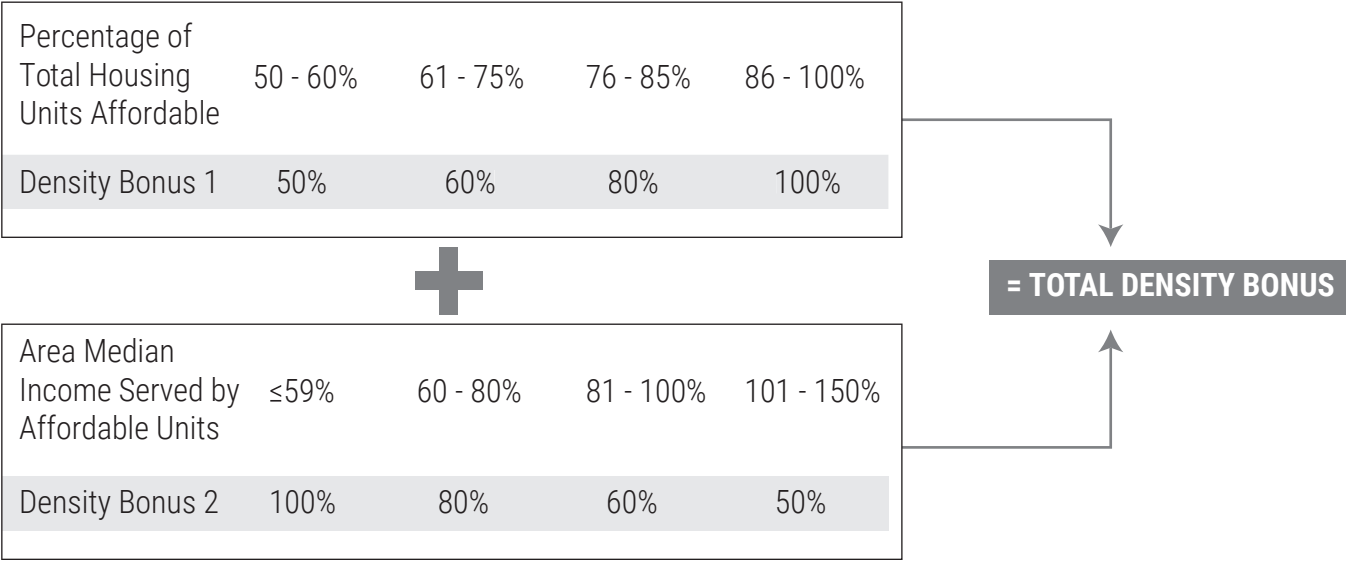
For simplicity, the team created a residential site plan and pro forma model for each site in the three zone districts.

The models reflect a near-literal interpretation of the existing standards, even though exceptions are routinely granted in the permitting process. The only exemption assumed is to allow multifamily residential uses in these districts. One of the purposes of this analysis is to evaluate if more by-right changes could potentially reduce the number of frequently requested exceptions.

The Draft Affordable Master Planned Development Standards offer a sliding scale of bonus units based on level and depth of affordability for a given project. The bonus range is from 100% (or doubling) of base units for a project with 50% of units that are "attainable" to 200% (or a tripling) of base units for projects with deep levels of affordability.

In order to test the potential for private developers to make use of the draft AMPD density bonus, the team focused testing at the "attainable" level. In other words, the team tested projects that incorporated 50% of units at 150% of AMI and achieved a 100% density bonus. Deeper levels of affordability would be even more difficult for a private developer to achieve.

Draft AMPD Density Bonus Calculations



Engagement Overview and Findings

In May 2019, Cascadia Partners spent two days in Park City meeting directly with staff, touring built projects, and interviewing local individuals involved in housing and real estate development. This process helped the consultant team to understand the local market, zoning challenges and calibrate model input assumptions like residential construction costs, current sales and rental rates. From these interviews, several findings emerged:

- > **Park City zoning standards are more discretionary relative to other municipalities, and exceptions to certain standards are regularly granted to get better outcomes.**
- > **Common exceptions could be changed to by-right standards in order to decrease approval time and create more efficiency in the entitlement process.**
- > **Certain standards, such as high open space requirements and large setbacks, can result in out-of-character projects and add to housing costs.**
- > **High land prices and construction costs, combined with modest density allowances limits the ability of market-rate developers to build attainable housing - much less affordable housing.**
- > **No recent rental projects have been built in Park City; all recent multifamily projects are highend condominium (ownership). This is the opposite housing trend as metro areas across the west, such as Salt Lake City.**
- > **High land costs and low lot coverage allowances result in most off-street parking in very expensive (partially) underground garages (over \$35,000 per parking space).**
- > **The City is the main developer of affordable housing.**

Some notable quotes from interviews conducted include:

“ *The current affordable housing code is written with a focus on large sites.* ”

“ *Changing standards for height might allow for top units with views to cross-subsidize.* ”

“ *Lesser parking requirements would help affordability and reflect core values of the city.* ”

“ *Make the approval process less discretionary and more by-right.* ”

Site Selection

Assisted by Park City Planning Staff, Cascadia Partners examined three differently sized parcels in different zoning categories that represent different development patterns in different parts of town. Sites and zones were chosen in order to:

- > Understand the influence of underlying base zone standards
- > Quantify the impact of standards to built form and the financial feasibility of potential development projects
- > Compare the development standards between the MPD and AMPD

The conceptual sites assume a rectangular layout and no topographical challenges in order to more easily quantify changes to currently proposed standards.

While the sites chosen are relatively small, they are still larger than most parcels within these three zone districts. Problems with zone standards become obvious most quickly when testing on smaller sites, where it can be difficult to accommodate large parking lots, circulation, and open space - and still have room left for a building.

The historically small lot platting in Park City gives the historic areas their "small town feel." It seems important that the affordable housing density bonus within AMPD should function well on relatively small lots so that projects can fit the character of the city. Enabling small-scale development options also helps support smaller, local builders.

Zones and Site Sizes

The zones and associated parcels sizes selected to analyze include:



Size:
0.5 acres

Zone: Historic Residential (HR1)

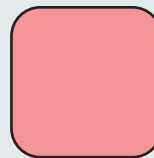
A city-wide analysis of the HR1 zone reveals 905 parcels in this zone with a median size of 2,804 square feet. 85% of this zone contains parcels that are 4,834 square feet or less.



Size:
1.5 acres

Zone: Recreational Commercial (RC)

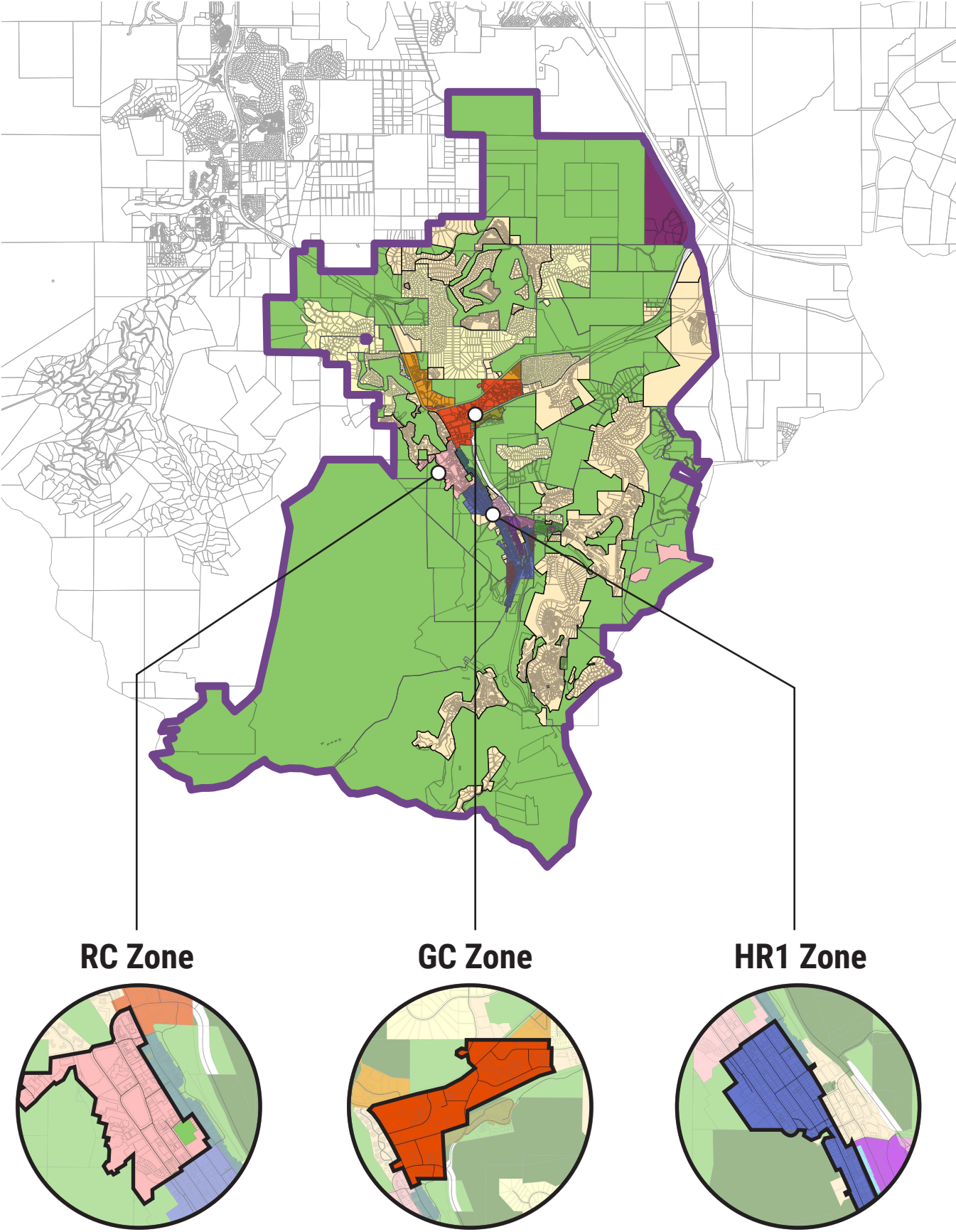
A city-wide analysis of the RC zone reveals 269 parcels in this zone with a median size of 2,312 square feet but average of 9,528 square feet. 79% of this zone contains parcels that are 9,831 square feet or less.



Size:
2 acres

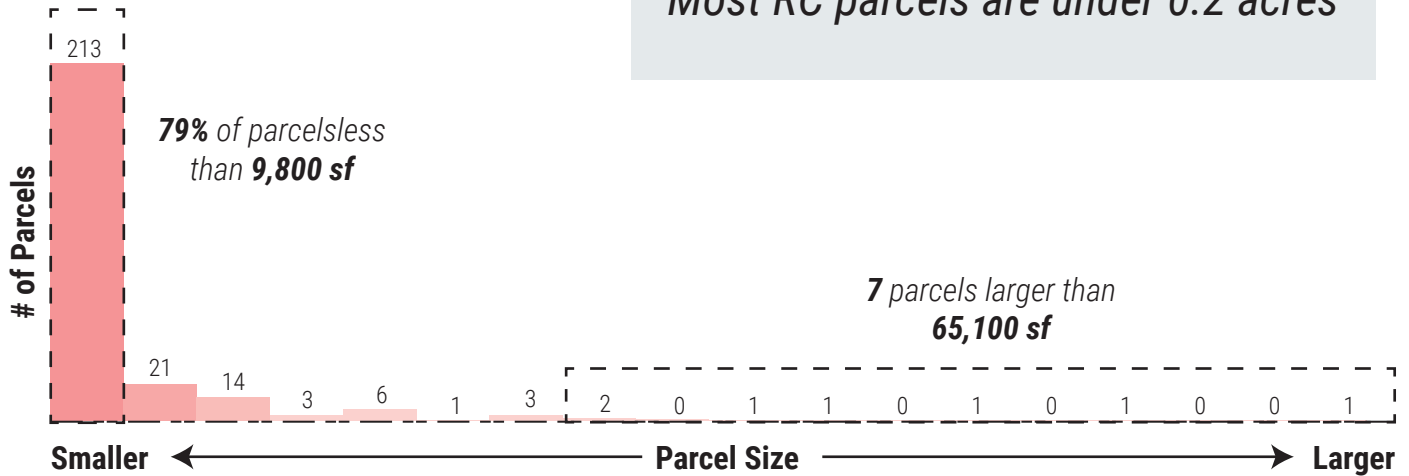
Zone: General Commercial (GC)

A city-wide analysis of the GC zone reveals 215 parcels in this zone with a median size of 5,862 square feet but average of 23,966 square feet. 62% of this zone contains parcels that are 17,961 square feet or less but of these, 86% are less than 10,000 square feet.



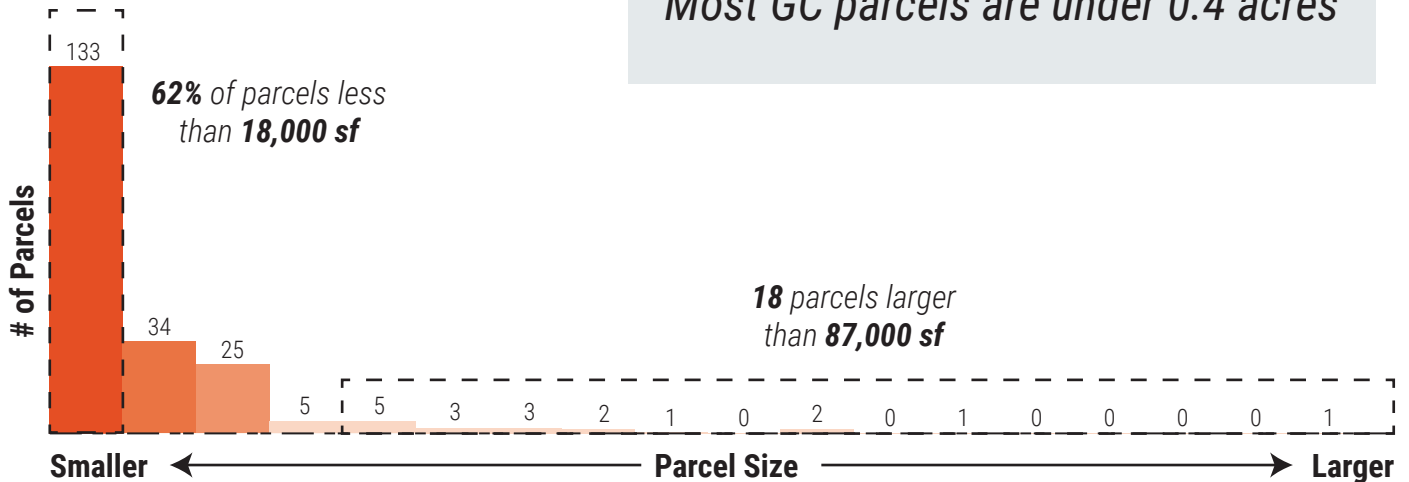
RC Parcel Analysis

Most RC parcels are under 0.2 acres



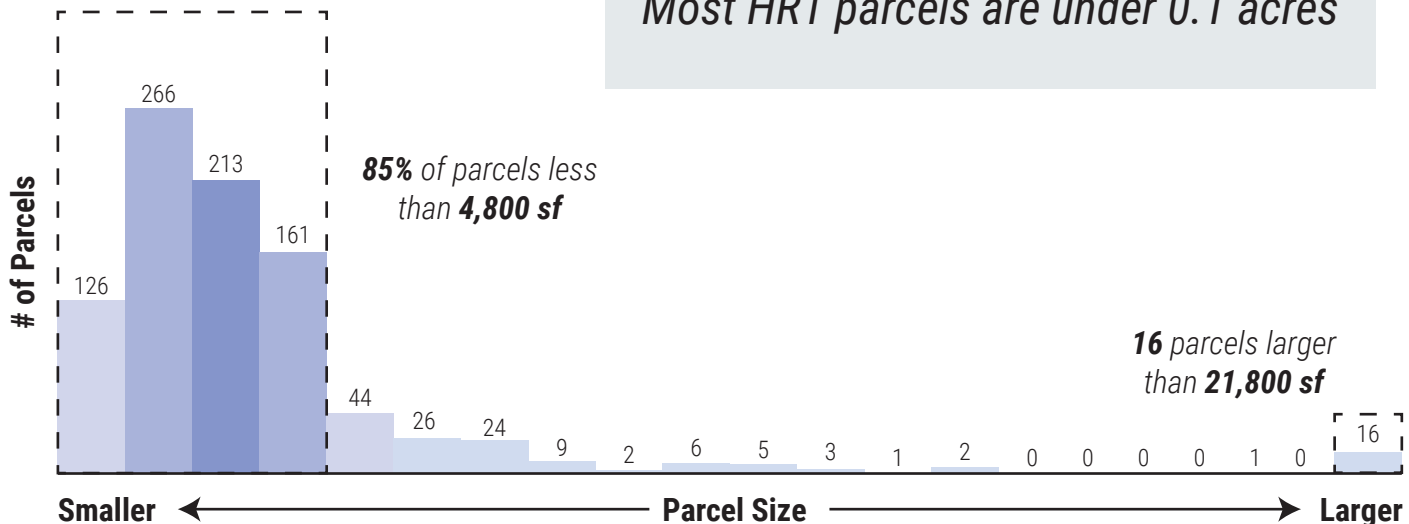
GC Parcel Analysis

Most GC parcels are under 0.4 acres



HR1 Parcel Analysis

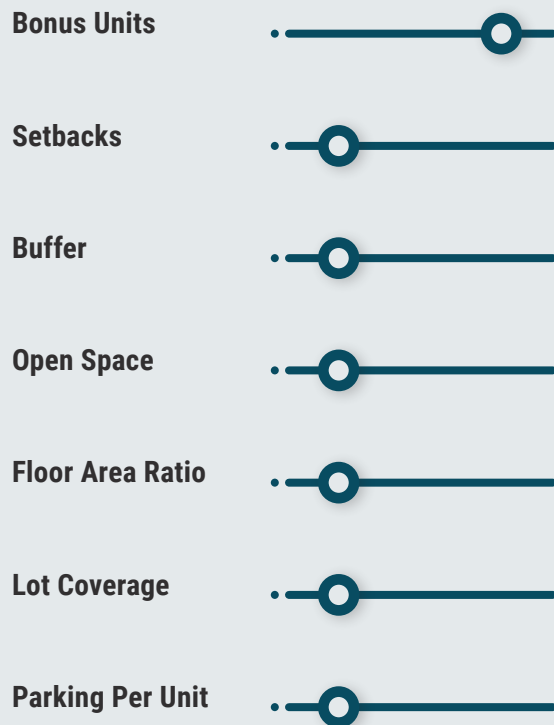
Most HR1 parcels are under 0.1 acres



Findings + Observations:

AMPD: A One-Legged Stool

The existing and draft AMPD standards offer bonus units in exchange for affordability, but lack changes to other development standards related to density.



A key observation is that the draft AMPD standards only increase the number of bonus units without changing setbacks, buffers, lot coverage, parking, or other standards related to density.

The reliance on increased units only as the bonus while not providing increases to other development standards, means the basic scale buildings does not increase - so one of two things happens: all of the bonus units and affordable units are not included or all the units get dramatically smaller and parking takes up an increasing share of the overall site area.



What is Sensitivity Testing?

Sensitivity testing is process of adjusting zone standards such as density, setbacks, buffers, and parking while holding all other standards constant to measure the relative effect on physical and financial outcomes. This process brings to light which existing standards pose the biggest challenge and what policy changes would have the biggest impact.

Key Findings:

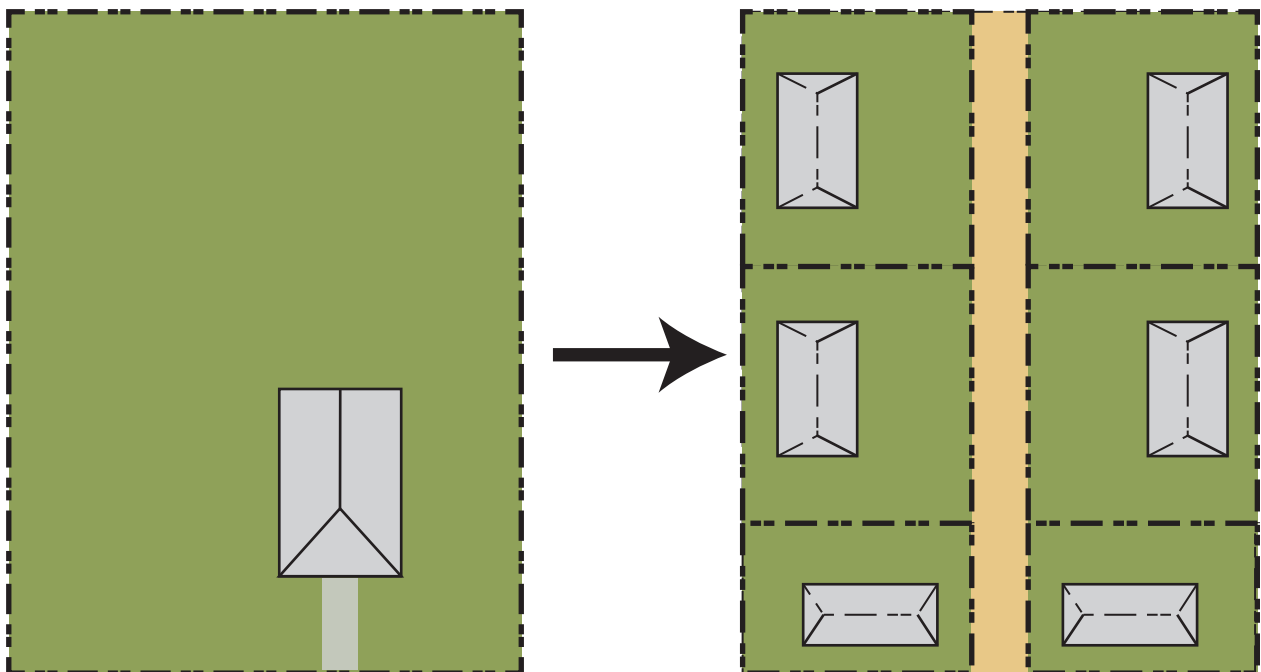
- AMPD affordable housing density bonus relies only on increasing units; lacks other changes to dimensional standards that are important to physically accommodate affordable units
- Fixed dimensional standards make shrinking unit sizes only option for achieving affordability
- AMPD projects currently incentivized to go entirely micro-unit
- MPD and AMPD standards, such as open space, setback and lot coverage, are not well-suited for smaller, infill lots, which means exceptions are regularly requested
- Parking makes fitting density bonus units challenging at lowest, "attainable" level and impossible at deeper levels of affordability with higher bonuses
- MPD has far lower affordability requirement, and AMPD density bonus does not appear to "bridge the gap" necessary to entice private builders

Maximum Buildable Area Standards

Park City has a unique approach that limits available maximum buildable square feet on a parcel that effectively encourages large parcels to be subdivided. For example, when modeling the 0.5-acre HR1 site, the most efficient site layout was to subdivide into four duplex lots and two single-family lots (total 7,764 gross square feet) versus being limited to a single large duplex building. This approach of subdividing also allowed the required open space to be more effectively distributed.

However, even with more buildable area as a result of the subdivision, the maximum building footprint standards still strongly favors single-family and duplex unit types rather than other multi-unit building types that could accommodate more units. Different unit types are allowed as a conditional use only.

Max building footprint standards favor small lot subdivision



**Max Footprint
Allowed:**

3,200 sq ft

7,750 sq ft

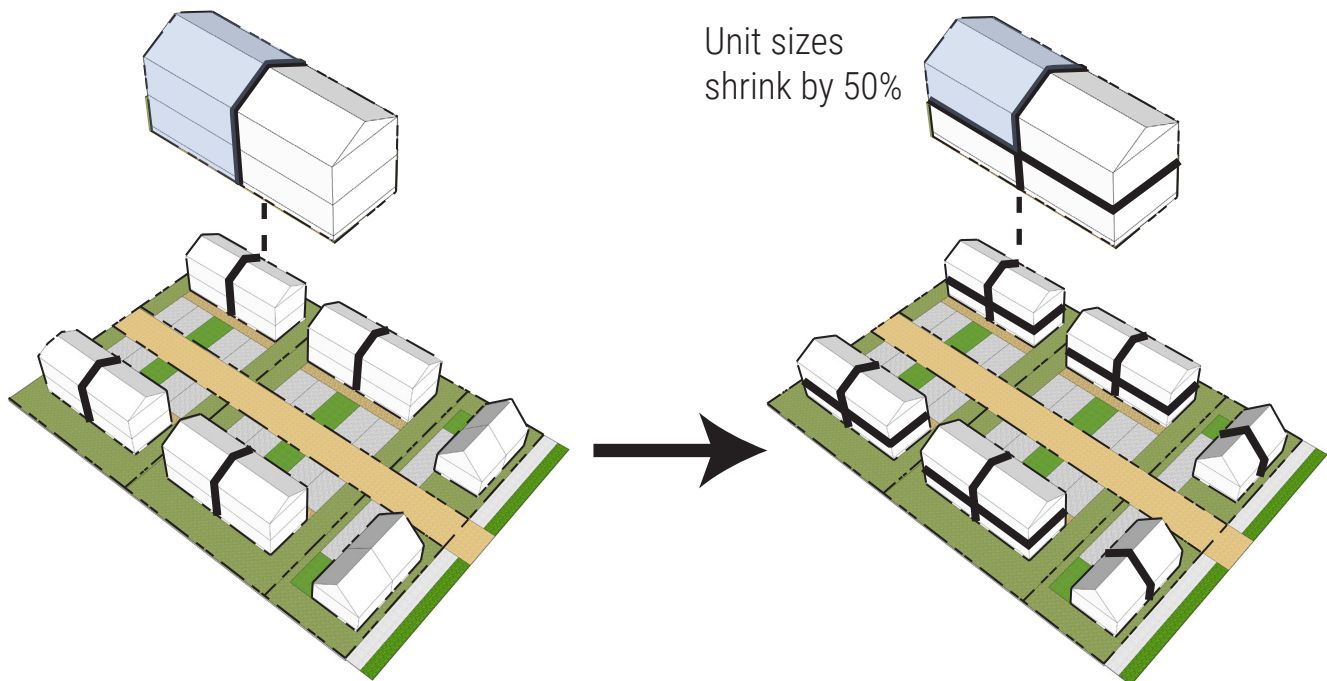
Maximum Building Footprint Standards

The RC zone has a unique approach to regulating building footprints: "the maximum building footprint for any Structure located on a Lot or combination of Lots, exceeding 18,750 square feet in lot area, shall be 4,500 square feet...A Conditional Use permit is required for all Structures with a proposed footprint of greater than 3,500 square feet". This requirement severely constrains the ability to add additional affordable bonus units creating a situation where the only option was to shrink the units dramatically.

In the HR1 example shown in the graphic below, a 100% increase in density doubles the number of units in the AMPD example, but because the building mass cannot increase, unit sizes must be cut in half. This results in a development program of micro-units.

This building area limitation is frequently granted an exception from the Planning Commission and is reflective of the type of requirement that could either be eliminated or granted as a by-right exception.

Unable to change building footprint as unit count grows



Number of Units:	10	20
Price of Affordable Unit:	\$460,000	\$670,000
Unit Size:	1,000 sq ft	500 sq ft

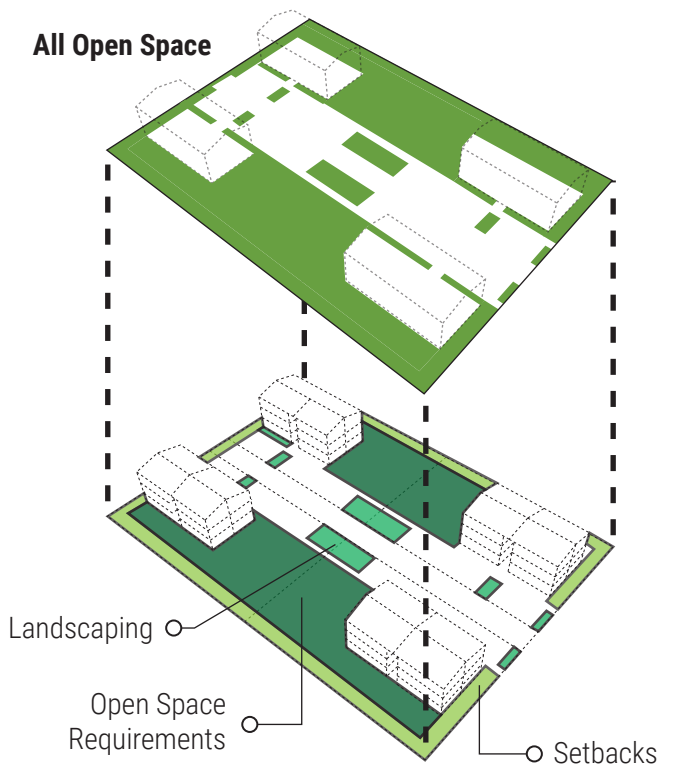
Open Space Requirements

MPD standards require a minimum of 60% open space. Lots in GC, HRC, HCB, HR-1 and HR-2 or in cases of redevelopment, the standard is reduced to 30%. AMPD standards require 50% open space, and allow for no less than 40% under certain conditions and with special permission from Planning Commission.

Lots in the older parts of town have a much lower percentage of lot area in open space than the current standard. Functional open space can be achieved with 5-15% open space, depending on the size of a lot.

In all the Master Planned Development base models, it became apparent that the open space requirements eliminated large portions of potentially developable area. In the example below, the effective open space requirement when setback buffers were accounted for exceeded 70% of the parcel. Using current land prices, that amounts to \$5 million cost for land that cannot be built on - and rents or sales prices have to absorb that cost. The affordable unit prices are fixed, so the market-rate units have to increase \$64,000 per unit. Because this AMPD project has to absorb both the open space costs and the below-market rents of the affordable units, it is less appealing than a standard MPD project.

High open space requirements increase housing costs



- > Up to **73% total open space** required
- > **Over \$5 million** just for undevelopable area

Number of Units:	64
Unit Size:	275 sq ft
Price of Land:	\$21.5 million
Single Room Occupancy Market Rent:	\$5,900

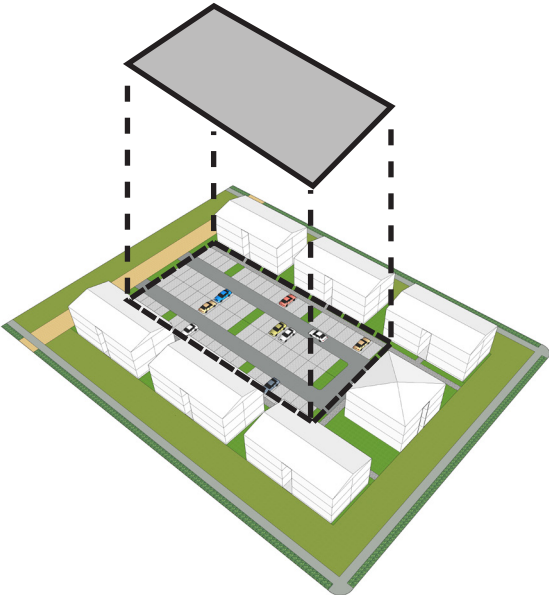
Off-Street Parking Standards

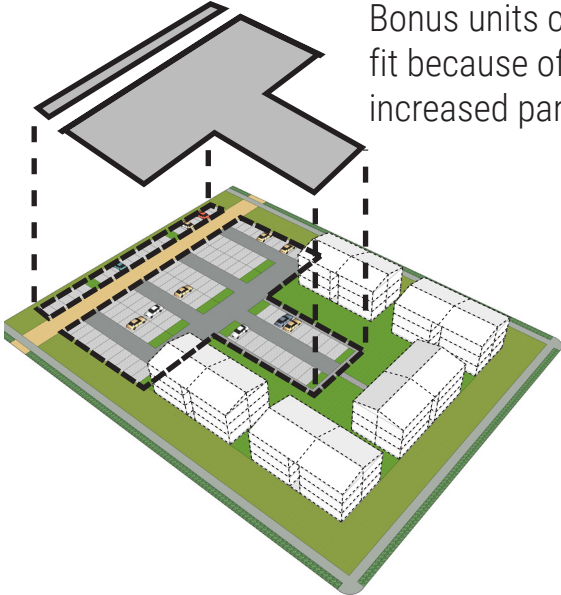
The one standard that does offer some allowance is an automatic 10-space reduction in parking requirements when proposing an affordable housing development. Another 10-space reduction for micro units (<500sf) is possible but requires undertaking and submitting a parking analysis to Planning Commission - a process that is often granted but not by-right.

Off-street parking posed challenges to accommodating bonus units due to the fixed size of a parking space. So while the AMPD allows a large increase in allowed units, off-street parking requirements remain the same. In the HR1 zone, the additional units were accommodated by reducing square footage but there was no space to accommodate the additional surface parking required. When site area becomes constrained, underground or structured parking becomes an option but adds a tremendous amount of construction cost.

Due to parking posing such a space constraint, the RC zone site was chosen to explore an underground parking strategy consistent with what is found as a preferred built reality in this zone.

Increased parking is hard to accommodate; raises costs





Bonus units can't fit because of increased parking

# of Units # of Parking Spots:	78 78	120 110
Unit Size:	650 sq ft	320 sq ft
Rent of Affordable 1-bedroom SRO:	\$990	\$2,160

24

Maximum Height Allowance

One option to accommodate additional units could have been to simply stack them on top of the previous Master Planned Development base units, but this is both politically and financially challenging. Due to building code and construction technology, vertical construction costs are not a linear progression as height increases. As building reaches four floors, the building code requires an additional stairwell. This substantially impacts the layout of units. At five stories, wood frame construction gives way to a more solid concrete base in order to support the additional weight. This causes a “step up” in the vertical constructions cost curve.

In addition to increases in complexity and costs, the current three-story height is considered compatible with the small-town character found in Park City and identified in the Long-Term Strategic Plan. For these reasons, this standard was left alone when attempting to add additional bonus units.

Increased height allows more units, but no space for parking

24 units cannot fit because of parking



Number of Stories:	3	4
Number of Units:	120	152 (24 not able to fit)
Parking Spaces:	110	142

Setbacks

Front Setbacks

In the HR1 zone setbacks varied within the subdivided master plan depending on unit type, less for single-family units and larger setbacks for the duplex units. This created inconsistencies within the overall site plan resulting in some buildings coming forward and others being pushed back further. In the RC zone, the 20' front setback did not pose a challenge but may pose a constraint on a smaller parcel.

Side Setbacks

Presumably, an increased side yard setback corresponding to increased lot width attempts to reduce the front face building dimension. This can also be accomplished using maximum dimensional standards.

Increased Setback Buffer

The larger study sites (1-acre +) that require the increased setback buffer of 25-feet found themselves constrained to accommodate bonus units but also in creating an engaging streetscape. Assuming streets on three sides of the parcel in the GC zone, the total amount of unbuilt space exceeded 73% when factoring in increased setbacks and open space.



Recommendations: AMPD Standards

Prioritize Changes for Smaller, Infill Lots

The vast majority of lots within Park City are smaller, infill lots. The following recommendations are intended to make the AMPD affordable housing density bonus program function as intended, particularly on the lots sizes that make up Park City. Accommodating affordable and bonus units is difficult or impossible on smaller, infill lots. The MPD standards were originally established to shape the development of very large tracts of land. As this report has illustrated, there are unintended consequences of the (A)MPD standards on smaller lots. One consideration is to adopt these changes for smaller lots. For instance, lots under 5 acres in size.

Strive for Predictable, By-right Standards

Several of the following recommendations are already regularly granted for projects using the exceptions process. Repeatedly granting the same exceptions time and again adds time and cost to a permit process for both the applicant and staff. Where possible, the City should strive to establish standards limit the need for repeated exceptions.

Use Base Zone Setbacks

The MPD building footprint and setback standards can differ, sometimes greatly, from the underlying base zone for a given parcel. Unless an exception is granted, this can result in a building that is out inconsistent with others in the zone. In addition, it is recommended to keep the setback standards consistent within each zone across the different housing types allowed. This will result in a more predictable scale of residential buildings.

Eliminate Large Perimeter Buffer

The MPD standards include a 25-foot perimeter buffer. This standard can render smaller sites unbuildable or out of character with surrounding buildings. The standard is regularly waived through the exception process already.

Focus on Achieving Active Open Space

The current open space requirement of 40% is very high, and results in suburban building forms and significantly higher costs for housing. The focus for on-site open space should be to achieve active, useable open space. In most town settings, this can be achieved with a 15% open space requirement.

Change Lot Coverage/Building Footprint Standards for Projects with Affordable Housing (AMPD Projects)

The current sliding scale building footprint standards favor smaller lots, which is good. However, the standards need to be modified to accommodate a higher lot coverage for AMPD projects otherwise affordable housing units cannot physically fit on the site. Specifically, the maximum lot coverage for AMPD project should increase to 85%. In addition, the unique 3,500 square feet footprint limitation in the RC zone should be eliminated.

Right Size Parking for Infill Projects

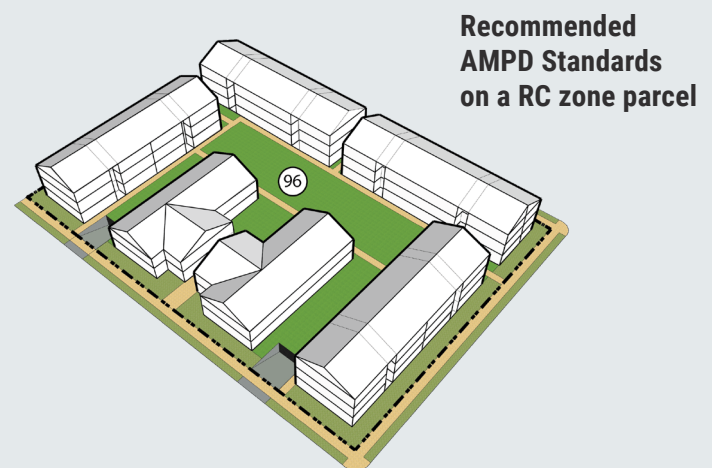
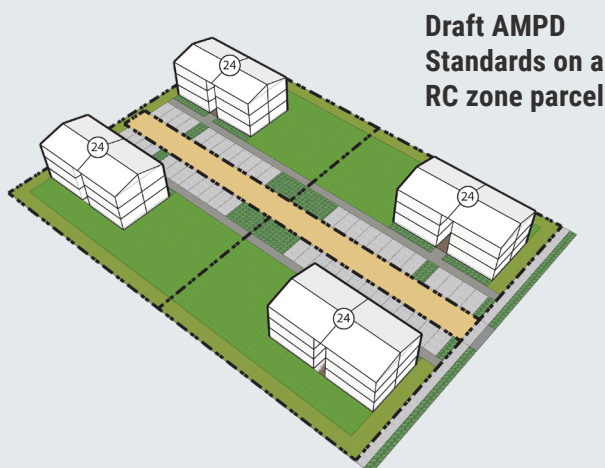
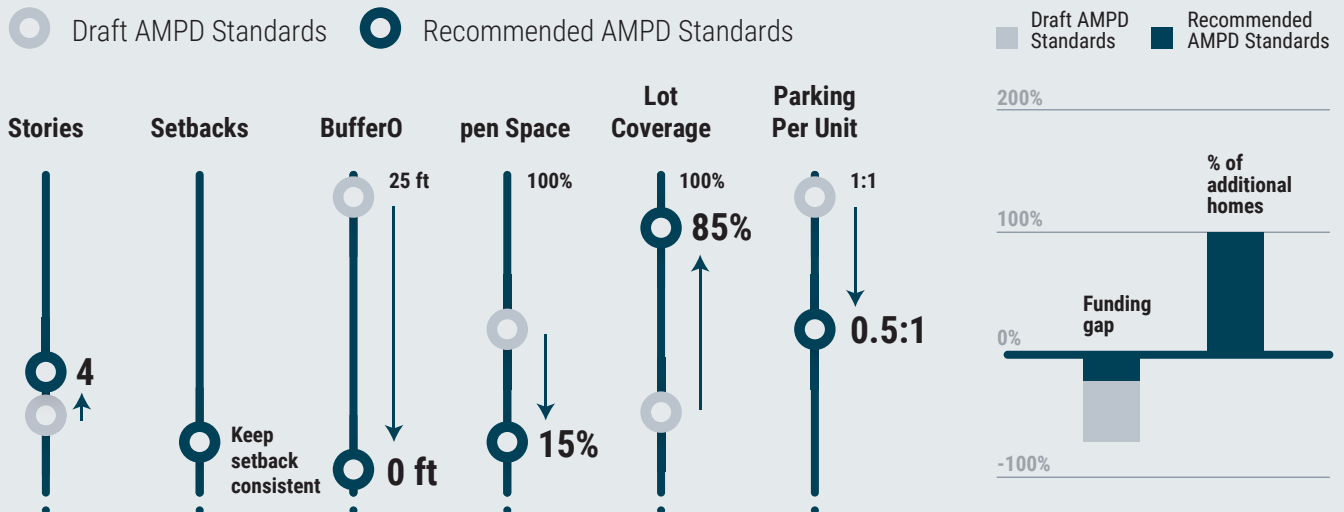
Parking is a significant driver of increased costs for any project but particularly for affordable housing units. The current 10-space exemption is helpful for smaller projects, but has more limited benefit to larger projects. Within areas that are walkable to commercial services or transit, it is common for cities to reduce off-street parking requirements. Park City should consider reducing or eliminating off-street parking standards in these areas, particularly for affordable units. It is recommended that AMPD projects reduce off-street parking standards for all bonus housing units

to 0.5 space per unit. This can enable more affordable units for people and families who do not have cars. In addition, it is recommended to allow on-street parking that abuts the property to count towards meeting off-street requirements. This is a common allowance nationally.

Allow 1 Extra Floor Outside of Historic Districts

In select areas and zones, such as RC and GC, consider allowing one additional story to better accommodate affordable and bonus units. Four story, wood frame buildings are a very cost-effective building type.

Sensitivity Testing Results



Funding Gap Analysis

Adjusting development standards helped to physically fit the additional bonus units on a site, but there remains a large financial gap in order for development projects of this nature to become financially feasible for a private developer. Particularly considering that Cascadia Partners modeled shallower levels of affordability, there is still additional work necessary in order to develop an approach that might be attractive to a private developer taking on this type of development project.

A public developer has advantages that include eliminating development fees and taxes, but also any necessary project return rate and investor payback. Public developer projects of this type are important because they establish comparables and set market expectations.

A series of funding gap analyses are performed using the RC zone site example. The analysis looks at required gap funding under various development standards to compare results but also quantify any funding gap required under both a private and public development scenario.

Modeling the public developer funding gap scenario is approached in two ways, one assuming 100% of the project total as affordable units with land considered a sunk cost. This scenario more closely reflects real world practice in Park City. The other scenario assumes recouping land costs and only 50% of the units designated affordable. This scenario is consistent with the approach used in modeling the private developer scenario and more easily compares differences in the two.



Scenario 1: 100% Affordable Units

In the public developer scenario with 100% affordable units and where land is considered a sunk cost, assumptions include:

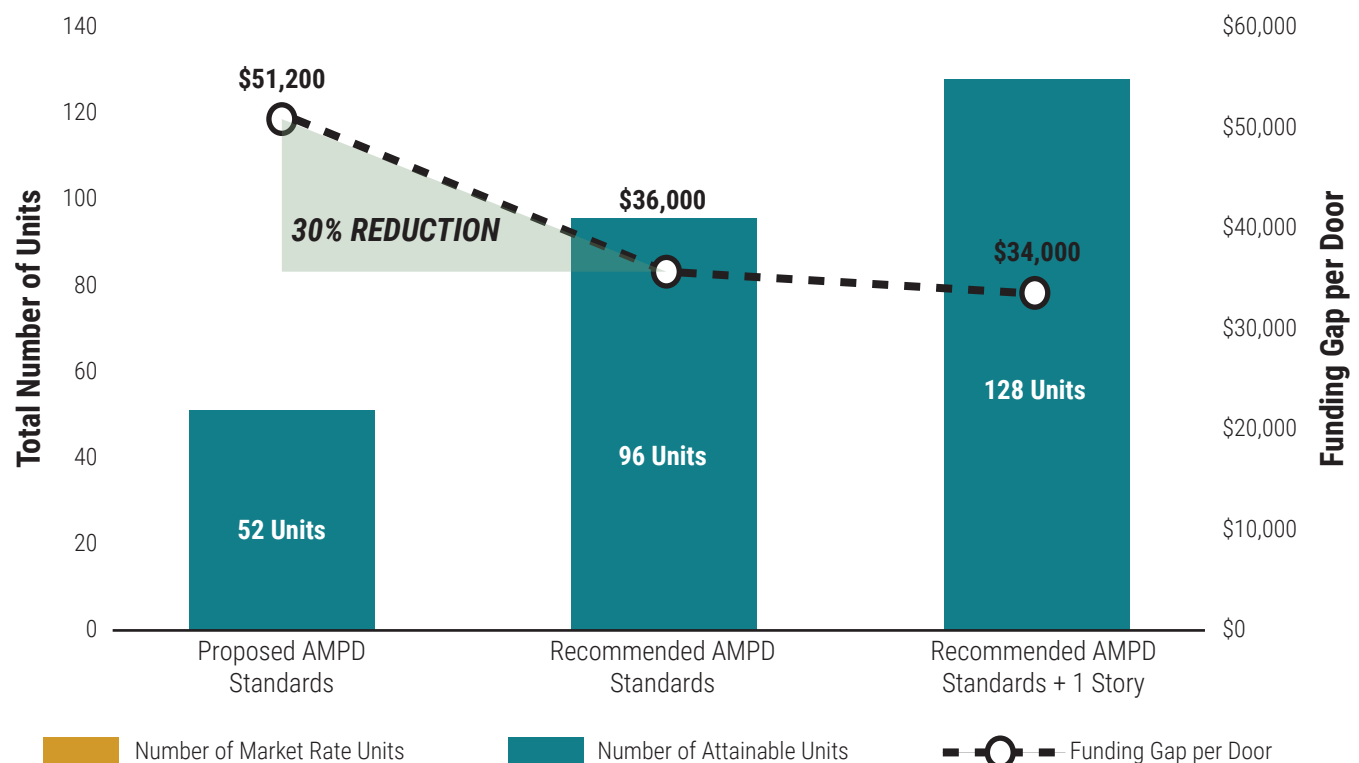
- > 100% affordable units
- > Average level of affordability – 78% of AMI
- > All units for sale
- > 80% cost recovery of hard & soft costs
- > No permit fees/taxes
- > Mix of 1 & 2-Bedroom units

Moving across scenarios from the Proposed AMPD standards to the Recommended AMPD standards results in a 30% discount in required gap funding per unit or a reduction from \$51,000 to \$36,000 per unit. This is due to the ability to spread the cost of development over more units. The additional units in

the Recommended AMPD scenario are accommodated by modifying the standards as suggested in the previous section.

A lower unit count in the Proposed AMPD Standards is due to restrictions in the physical standards (FAR, percent of open space). These standards result in required gap funding per unit of \$51,000 and an 86% cost recovery.

As an experiment to test potential for further reducing gap funding, an additional story of height is added to the Recommended AMPD Standards. This option increases the total number of affordable units by 32 but did little to significantly decrease the required funding gap per unit. This is because the funding gap required reaches an inflection point as the project approaches 100% cost recovery. At 90% cost recovery, the Recommended AMPD Standards reach this inflection point.



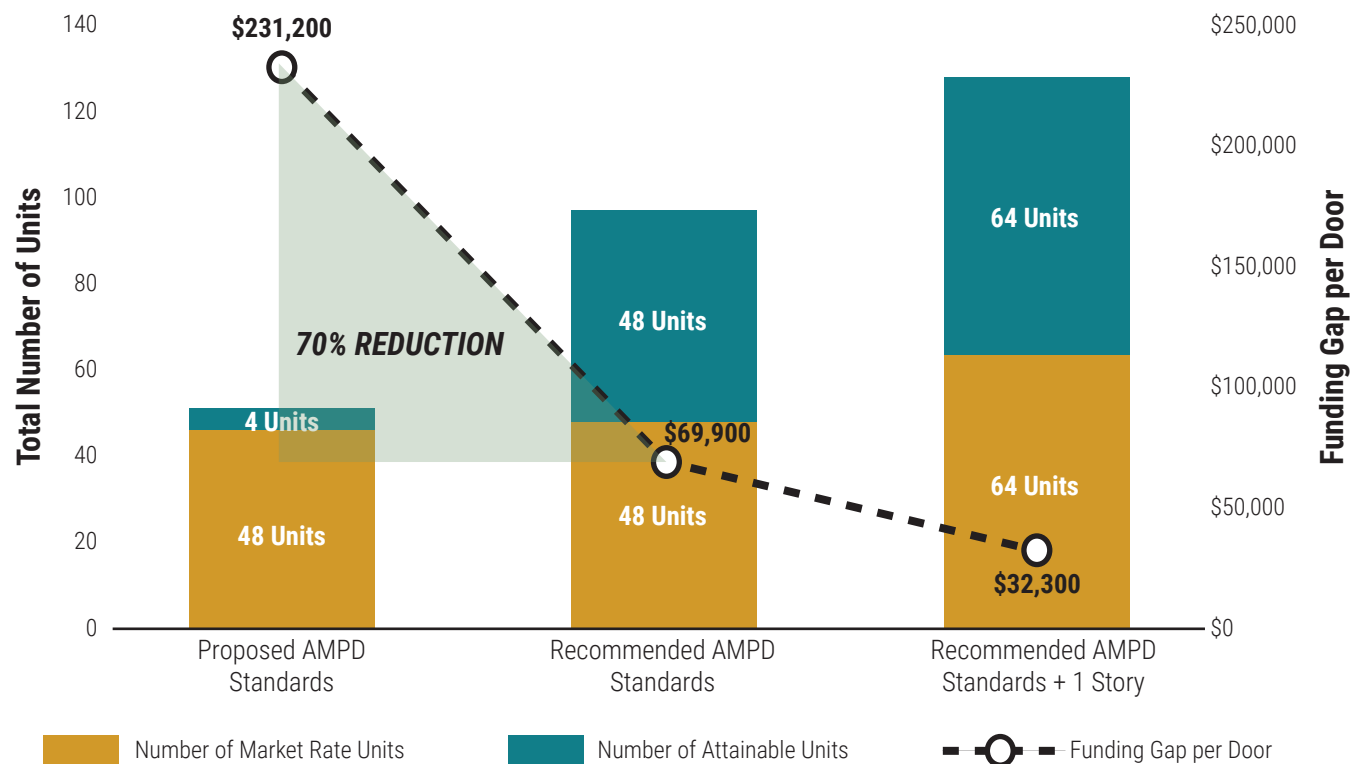
Scenario 2: 50% Affordable Units

In the Public Developer scenario where land costs are being recouped and 50% of units in the project are affordable, assumptions include:

- > 50% affordable units
- > Average level of affordability – 78% AMI
- > All units for sale
- > 80% cost recovery of hard & soft costs
- > No permit fees/taxes
- > Mix of 1 & 2-Bedroom units

In this scenario, gap funding per unit under the Proposed AMPD Standards is \$231,000 per unit and only 8.3% of the allowed unit bonus are accommodated due to the physical constraints mentioned earlier. The gap funding per unit figure is much higher than the previous scenario due to incorporating land costs. This scenario only achieves 71% cost recovery. In order to achieve the desired 80%+, the market rate units would need to be priced higher, likely placing them at a rate higher than the market can bear.

Moving from the Proposed to the Recommended AMPD Standards demonstrates accommodating 100% of allowed bonus units, 87% cost recovery, and a reduction from \$231,000 to \$70,000 per unit in gap funding required, a 70% discount. Adding an extra floor of height further reduces this amount by close to half again.







**Affordable Master Planned Development
Code Audit Report**

December 2019

Prepared by:



Council Agenda Item Report

Meeting Date: December 5, 2019

Submitted by: Michelle Kellogg

Submitting Department: Executive

Item Type: Staff Report

Agenda Section:

Subject:

5:00 p.m. - Break

Suggested Action:

Attachments:

Council Agenda Item Report

Meeting Date: December 5, 2019

Submitted by: Jenny Diersen

Submitting Department: Sustainability

Item Type: Staff Report

Agenda Section:

Subject:

5:15 p.m. - Discuss Sundance Film Festival Transportation and Programming

Suggested Action:

Attachments:

[Sundance Film Festival 2020 Transportation Programming Staff Report](#)

[Exhibit A: PCMC Transportation Plans, Time Period, Sundance Letter and Cost Analysis](#)

City Council Staff Report

Subject: Transportation & Programming for 2020 Sundance Film Festival
Author: Jenny Diersen, Special Event & Economic Dev. Program Manager
Department: Economic Development, Transportation Planning, Transit, Public Works/Streets, Police, Parking, Engineering, Building
Date: December 5, 2019
Type of Item: Work Session

Summary

For the 2020 Sundance Film Festival (SFF), provide direction to staff on:

- 1) Preferred transportation alternatives for Park Avenue;
- 2) Use of City Property for Programming Use (Flagpole parking); and
- 3) Cost recovery goals for City Services.

Sundance Institute requested changes to the 2020 Festival programming which staff anticipates will require additional mitigation, City services, and associated costs. In addition, based upon last year's festival, staff recommends several additional mitigation strategies to improve transportation and public safety concerns as a result of extreme traffic and congestion.

These changes will require Council approval at a subsequent meeting.

Background

The City holds a [City Services Agreement with the Sundance Institute \(Institute\)](#), of which there is a [long and extensive history](#) of the City's positive relationship that creates significant cultural and economic opportunities for our community. On [November 7, 2019](#), (p. 424 to 434) a Staff Communication provided an overview of proposed transportation changes based on Council input during the 2019 [Council debrief](#) (p.23, [minutes](#) p.3 -6).

The Institute supports Council's goals of minimizing community impacts and increasing levels of service for visitors. Sundance supports staff's recommended changes, except for limited one way access on Park Avenue.

Since 2017, PCMC and Sundance implemented significant changes to Festival operations (supplemental) plans to reduce traffic and congestion and improve public safety, including paid parking, sourcing a new transit operator when All Resort went out of business, extending and increasing transit routes, new satellite parking lots (Ecker Hill), Kamas, wayfinding and signage upgrades, neighborhood traffic enforcement, increasing pedestrian and taxi management, and the Richardson Flat park-and-ride paid in part by Sundance.

All of these changes increased costs to both PCMC and Sundance, and required extreme levels of coordination and cooperation. While past improvements were successful, the bar continues to rise to adequately mitigate impacts and meet Council and community expectations. This results in annual cost increases.

Analysis

Transportation: Staff understands Council's goals for the SFF2020 to be acutely focused on public safety, transit-first priority, and reducing residential and neighborhood

impacts. Other alternative goals, which may be achieved subsequently but not primary, include alleviating traffic and congestion and reducing single occupant cars. Staff is evaluating budget implications of the following alternatives and the ability to cover within existing budgets.

1. **Alternative 1: Status Quo**, no changes to existing transportation plans. The Festival will function with existing levels of service, irrespective of programmatic growth and/or Council priorities.
2. **Alternative 2: Staff Recommendation**. Significant transportation upgrades throughout Festival (covered in November 7 Staff Communication). Details of the changes can be found in Exhibit A. However, because Sundance is supportive of proposed changes except for Park Avenue one way, this section of the report is focused solely on that item.

Park Ave – one way north (limited access southbound).

The estimated total cost is an additional \$48,000 in City Services, and \$21,000 for contracted services (Kane Security). In order to improve safety, City operations, and minimize impacts on residential neighborhoods, staff plans to maintain two way access for emergency vehicles, City transit/fleet, Old Town residents, and Sundance Venue Operations/staff (Library, Shop, Miners Hospital, Rec Center). Coupled with transportation plans from last year, the changes will reduce traffic on Park Avenue, provide better access for Old Town residents, increase transit priority (every inbound transit line runs down Park Avenue, except for White/Electric Xpress, which runs on Deer Valley Drive) and allow better operations for Streets/snow removal. Such changes will help reduce cut through traffic on residential roads such as Empire, Lowell, Woodside, etc. Staff has tested iterations of the Park Ave plan during the Respect Rally, and during snow events, and it proved effective. When this plan goes into effect:

- i. All motorists permitted to travel north,
- ii. All motorists, except those exempt above, not permitted to travel south.
- iii. Parking removed from east side of Park Avenue to ensure line of sight and to provide easy passage for transit/traffic. Residents without off street parking will be provided parking in City Park or west side of Park Ave.
- iv. Staff is working with the Institute and their sponsors to identify alternatives for access to Park Avenue venues, including drop/load area in City Park. Staff is not supportive of approving blanket access for all sponsor related vehicles as we do not believe this will achieve Council goals of reducing traffic in residential roads and giving transit priority because of the estimated amount of vehicles that would be included with such access.

Sundance does not believe reducing Park Ave to one-way north/ restricted access southbound will provide respite for residents and reduce traffic and congestion. The Institute believes these changes require a multi-year effort, and that reducing access and capacity to Main Street will cause overall system failures.

- i. Specifically, Sundance has concerns about unintended impacts (HWY 224 & 248, DV Drive which are already congested) and diminished access for Festival sponsors - Acura and Lyft. They assert such sponsors are part of the overall structure that reduces visitor/film-maker use of single occupant cars/rental cars. The Institute is concerned that the vehicles will simply get stuck in new traffic patterns, be sent to other residential streets or highways, and add congestion.
- ii. Sundance requests access to their venues and maintains that Official Festival Partners Acura and Lyft must have the same or better access to streets utilized by transit.

- iii. Sundance is concerned that without proper traffic management on the side streets off of Park Ave, vehicles driving northbound will drive residential streets due to technology apps.
- iv. While staff agrees sponsors are part of the overall single occupant/rental cars reduction strategy, we do not support blanket sponsor access. Staff is supportive of working towards an agreement with SFF sponsors that reduces residential streets as a cut through to Main Street:
 - a. Geofence residential Old Town streets to limit volume and use,
 - b. Use Park Ave only if going to a venue located there (Shop, Library). Rec Center and Miners Hospital are private venues for Sundance that will also have maintained access for Sundance staff.

Staff recommends covering the additional expenses, given alignment with Council Critical Priorities.

3. **Alternative 3: Sundance Recommendation.** Normal, two way traffic on Park Avenue; remove parking on Park Ave and increase Kane Security throughout Old Town to reduce traffic on residential streets. Staff estimates \$1,000 increase in City Services, and \$41,000 increase in contracted staffing (Kane Security); \$28,000 less than Alternative 2.

Park Avenue often gridlocks for hours due to motorist taking 'local short-cuts' through residential roads to avoid traffic. Staff is prepared to make findings that Alt. 3 does not provide adequate emergency access, reduce residential impacts, or increase transit priority goals. As a result, staff does not recommend paying anticipated cost increases, but it is unlikely that Sundance would pay for such costs.

Programming: Sundance proposed two new programs during SFF2020.

1. **Festival Celebration and Bonfire in Flagpole Lot:** Sundance proposes more vibrancy the second Thursday and a community celebration and bonfire to bring locals back to Main Street. Operations require no parking in the Flagpole Lot (6am—2am). The bonfire scheduled 4pm—5:30pm, and will celebrate the Sundance Institute, storytelling, and independent film. Staff will ensure Blue and Carpool permit holders have alternative areas for parking, but are working to confirm such locations. **Staff is supportive.**
 - a. While not directly requested by Sundance, staff determined the programming will require additional City Services totaling \$5,400, including Special Use of Public Parking (parking removal), Building/Fire Permit fees, and Police and Fire support.

Overall, staff needs Council to discuss their cost recovery goals for transportation and programming changes.

Attachments

Exhibit A: PCMC Transportation Plans during SFF Time Period, Sundance Letter & Costs Analysis

Based on direction from Council, Staff has evaluated numerous changes to the Festival transportation plan aimed at increasing public safety, reducing impacts on residential neighborhoods and increasing capacity through a transit first priority. While staff has looked at the “Olympic model”, without the major budgets adjustments and satellite parking lots, significant increase in transit fleet and commensurate levels of programming on Main Street, this plan can’t be replicated at the current scale of the Festival. Staff instead, focused on operational changes within the existing system that create one ways traffic flows, and reduce access to residential oriented streets and enhance transit access and throughput.

Alternative 2. Staff Recommendation: Current Plan with Sharpened Tools (Picture of Map here)

This includes looking at a number of changes to further deter traffic in residential areas and increase transit priority. [Fehr’s & Peers have performed a peer review of this plan](#). Changes include:

To further deter traffic in residential neighborhoods

1. One way street directionality
 - 4th and 5th Streets - east only further deter traffic from Main Street turning into the residential district.
 - Hillside Ave. - One Way West (towards Main Street) to further deter traffic from Main Street entering the residential district and should reduce a large portion of trips on Hillside and reduce the aggravated 2 way traffic on this street. This includes adding possible security at Swede and Main with signage to deter south bound traffic from entering the residential district. Emergency vehicles, City Fleet and Old Town residents would be able to maintain 2 way access.
 - Park Avenue (King Road to DV Drive) - One way north to create a flow out of town . Doing so will fundamentally reduce nonresidents from trying to use northern old town to circumvent the system (ie backdoor to Main Street). Exempt (still allowed to travel south bound): Emergency vehicles, PCMC Transit; Residential owners w/access passes; Sundance Festival Venues. We will have to work closely with Sundance Institute and their Sponsors to ensure they have access to the 4 venues on Park Ave. This likely necessitates creating a drop and load station in or near City Park. Additionally staff recommends traffic mitigation at Park Ave and Deer Valley Drive/Empire to further reduce traffic on Park, while adding additional Kane security locations to ensure cut through traffic is mitigated.
2. Increased Police presence at key intersections
 - There may be the need for increased police at key intersections around the resort base, at 9th and Park Avenue and at the Box of Rocks and Main and Swede to further deter traffic and in some cases direct traffic.
 - Alternatives include adding traffic mitigation team and the Box of Rocks similar to Arts festival, but costs are estimated at \$36,000 and not covered within existing dept budgets.
3. Additional signage at key intersections
 - This includes implementing additional no left or no right turns, and having more clearly marked signs regarding where parking is available.
4. Continued Outreach with Access Passes to Old Town Residents
 - While staff has done extensive outreach distributing access passes, the changes added would require additional outreach and boots on the ground. This has been a “team work makes the dreamwork” effort, and additional all hands in approach is needed to pull this additional outreach off.

Recommended changes to further increase transit priority

5. Bus Lane on DV Drive
 - We have stated discussion with UDOT to gain permission to implement the bus lane if weather is favorable. Snow presents a unique challenge for a bus lane, which cannot be implemented with snow on the roads because of plowing. If the Alternative 2 plan is

implemented, staff does not see the need for a priority transit lane on DV drive.

6. Remove parking from one East side of Park Avenue
 - Removal of parking from one side of Park Avenue will help with snow removal and allow transit better access on narrow roadways. We will complete outreach with residents to ensure residents that depend on Street parking (don't have private driveway parking), have adequate access to parking in City Park or on the west side of Park Avenue.
7. Flow of Swede Alley
 - Staff has made several changes to operations on Swede Alley as a transportation core for those taking transit, rideshares and taxis, not as a parking area. This may also help increase flow on Swede Alley. Those looking to access parking need to access from Marsac only, not Swede.

Possible changes to Parking Areas to help increase traffic flow and give transit priority:

8. Flow of China Bridge
 - Entry only from Marsac / Exit only to Swede. Staff believes this will lessen left hand turning movements that may cause back up in the parking garage and on Marsac Avenue.
9. Flagpole Use
 - Flagpole will be used for Blue Permit and Carpool Permit parking. 10 spaces in the parking lot will remain available for Sundance ticket pick up. During the proposed Bonfire in Flagpole, staff will ensure Blue Permit and Carpool Permit holders have access to an alternative parking area that has not yet been determined.
10. Dynamic Parking Pricing and Consistent Transit Messaging
 - Over the last few years, staff has been evaluating parking capacity in the parking garage and monitoring transit ridership. Staff is dynamic parking rates throughout the 10 days, but also balancing the desire to continue to increase transit ridership. Lowering parking rates may result in decreased transit ridership. Proposed parking rates in China Bridge include:
Thursday: \$40
Friday & Saturday: \$60
Sunday & Monday: \$40
Tuesday to Thursday – Normal Peak Rates: \$3 after 5 p.m., first hour free, max \$18
Friday & Saturday: \$30
11. Looking at Operational needs of City Lots
 - The City has operational needs in some parking lots for snow storage, public safety and other storage needs. The City has proposed to move Brew Pub operations to North End City Hall Lot. Brew Pub will become an additional staging area City functions and possible transportation area.



5900 Wilshire Blvd, Suite 800, Los Angeles, CA 90036
1825 Three Kings Dr., Park City, UT 84060
321 W 44th Street, Suite 805, New York, NY 10036

November 7, 2019

Park City Municipal
445 Marsac Avenue
Park City, UT 84060

Dear Mayor and City Council,

Sundance Institute and Lyft (a Sundance Sponsor) were asked to participate in meetings with the City over the past two months to look for effective ways to address traffic congestion during Sundance Institute's annual Sundance Film Festival. The overarching goal of these meetings was to search for ways to reduce the traffic on residential streets especially in Old Town.

We thank Park City staff for inviting us to join these brainstorming sessions, allowing us to provide ideas and feedback as we tried to narrow down this year's new action plans. We also want to thank the Lyft management team who flew in for several meetings over the past several months to meet with the City in order to help with ideas to mitigate traffic on and around Main Street, coming to the table as a solution oriented partner. We appreciate their efforts to work with the City and greatly appreciate them as a sponsor of the Film Festival and year round partner of the Institute.

Although Park City has been experiencing over the past several years a noticeable increase in the number of high traffic days throughout the year, not solely during the Film Festival dates, due to a variety of reasons, Sundance Institute has willingly worked hard in conjunction with the City to mitigate traffic congestion. Sundance Institute recognizes the traffic during the first 5 days of the Festival, compounded by both Deer Valley and Park City Resorts' skier load in and out, is probably the busiest traffic days of the year within the city. One of the most successful results over the last couple of years is the increased use of public transit, with just over 300,000 riders utilizing the bus system during the 10 days of Festival. This represents close to 1/3 of the City's annual ridership. Even with successful results such as the significant increase in bus ridership during the Festival, Sundance Institute and the City agree more needs to be done.

Sundance Institute is eager to help evaluate all traffic ideas and options during the 10 days of its annual Festival to help test ideas not only to manage its traffic, but traffic within the city year round. We agree with all of the items the City is suggesting for changes during Sundance Film Festival, with the exception of restricting Park Avenue traffic. We ask that the Mayor and City Council take these items into consideration as they make a decision on how to direct the City staff to move forward, especially regarding the proposed Park Avenue plan.

During the first 5 days of the Festival, the City is suggesting closing Park Avenue from the cross streets Deer Valley Drive/Empire Avenue south to restricted access. The City plans to allow traffic one-way north on Park Avenue while allowing permit-based access to Transit vehicles (i.e. public buses), emergency vehicles and certain other approved vehicles to go south on Park Avenue. However, permit needs for access will be high, including:

- Residents and businesses located along of Park Avenue along with year-round Library patrons and staff, Lucky Ones coffee staff and patrons, and Pre-School children.
- Sundance Film Festival has several venues located on Park Avenue including the Santy Library with up to 5 public film screenings a day, The Shop with events throughout the days and evenings, Miners Hospital used by Sundance staff, the Recreation Building near City Park for Festival production back-of-house support and the Festival Communications trailer which will be located in the Miners Hospital lot. The Institute will need permits for working staff as well as program and patron VIP's that will need access not only to Park Avenue venues but lower Main Street venues.
- Service, food and beverage trucks along with trash and recycling vehicles.



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321 W 44th Street, Suite 805, New York, NY 10036

Our concerns also lie with the additional non-permitted cars taken off of Park Avenue and routing them either on to Deer Valley Drive or Empire Avenue, causing increased gridlock along both roads and all the way down to the Park Avenue and Kearns Boulevard intersection and possibly out further along Highway 224. With the noted success of the free bus system during the Festival, if Deer Valley Drive has increased gridlock how do the buses get in and out the Old Town Transit Center? There is discussion about adding a center lane for buses heading into Old Town on Deer Valley Drive but that can only happen in good weather and providing easy lane transition for the buses as they approach the roundabout. We cannot add more risk of an accident occurring on Deer Valley Drive with possible temporary closures on the only way up to Main Street or Deer Valley Resort.

Our concerns are numerous and we have included them as an attachment to this letter. Our suggestion is that the City hire an experienced traffic engineer to work through the City's current and forecasted traffic issues not only during the 5 days of the Sundance Film Festival, but year round. We are amenable to testing reasonable alternatives during the Festival as we want to improve the overall traffic experience for both residents and visitors, but we need to feel, with a reasonable degree of certainty, that such alternatives will not have severe unintended consequences that will negatively impact Festival operations and the flow of traffic throughout the city.

Thank you in advance for taking our concerns into consideration. We want to make the Festival safe and enjoyable for all our city residents and the Festival patrons visiting Park City.

A handwritten signature in blue ink, reading "Betsy Wallace".

Betsy Wallace
Managing Director and CFO
Sundance Institute



5900 Wilshire Blvd, Suite 800, Los Angeles, CA 90036
1825 Three Kings Dr., Park City, UT 84060
321 W 44th Street, Suite 805, New York, NY 10036

Additional, but not exhaustive, list of concerns:

- We are worried that our filmgoers will not be able to get to the Library theater and will miss their films. We need to make sure that transit runs as smoothly as possible so that people continue to trust and use the free buss/shuttle system to get them to their locations on time.
- Guests attending Festival events at The Shop will not be able to approach from southbound on Park Avenue, resulting in more traffic from Old Town and more cars cutting through neighborhoods. This will negate our established traffic plan to reduce congestion in the neighborhood near the Shop.
- Restricting Park Avenue might create the opposite result and push more cars to residential streets. The number of officers/street management and cost of enforcement at every residential street would be hard to fill and very expensive.
- How would someone access the parking garage on 7th Street? There are no turns allowed onto 7th from Main Street in either direction.
- How will law enforcement be able to manage all the cars with permits going through Park Avenue without causing complete gridlock at the intersection of Empire Avenue, Deer Valley Drive and Park Avenue? Enforcement will be stopping cars to look for a permit which will cause traffic to back up into that very busy intersection.
- How would Empire Avenue be managed so cars are not getting to residential streets or the Park City Mountain Resort base, bypassing enforcement at Park Avenue?

Options to Consider	Recommendation	Additional City Services	Additional Hard Costs/Contract Services	Notes
Transportation Alternative 2	Staff Recommendation	\$48,000	\$24,000 (Kane Security)	If this alternative is approved, staff recommends City take on such costs.
Transportation Alternative 3	Sundance Recommendation	\$1,000	\$41,000 (Kane Security)	If this alternative is approved, staff is not supportive of City taking on all the costs.
Programming Alternative	Staff and Sundance Supportive	\$4,400	\$1,000 (Park City Fire District)	Staff recommends City taking on such costs.
Total Costs		\$53,400	\$66,000	\$145,800



City Council Staff Communications Report

Subject: Medical Cannabis Land Use Regulations Update
Author: Rebecca Ward, Land Use Policy Planner
Department: Planning and City Attorney's Office
Date: December 5, 2019
Type of Item: Informational

Background

The Utah Legislature enacted land use regulations to legalize and govern the location of medical cannabis **production establishments** (cultivation facilities, processing facilities, and testing labs that are licensed through the Utah Department of Agriculture and Food) and medical cannabis **pharmacies** (licensed through the Utah Department of Health). These regulations will likely impact Park City. This report attempts to summarize the legislation's local impact, and forecast potential alternatives for the Planning Commission and Council to consider moving forward.

The state legislation preempted local land use by mandating:

1. **Production establishments** are an allowed use in all industrial and agricultural zones (unless a city designates at least one industrial or agricultural zone for production establishments);¹ and
2. **Pharmacies** are an allowed use in all zones, except for zones that are primarily residential.²

The Legislature also created proximity requirements to buffer community locations like schools, child-care facilities, churches, public libraries, and public playgrounds and parks from **production establishments** and **pharmacies**. The proximity requirement is similar to various elements of Utah's liquor laws.

Proposed Land Management Code (LMC) Amendments

While State law determines most production establishment and pharmacy regulations, staff plans to propose LMC amendments that clarify the local land use regulations and permitting process. Staff plans to recommend amending the Land Management Code:

- (I) To define a Medical Cannabis **Production Establishment**, a Medical Cannabis **Pharmacy**, and a Primarily Residential Zoning District;
- (II) To outline the medical cannabis permitting process, which requires state licensure, a land use Administrative Permit, and a Business License; and
- (III) To consider Medical Cannabis **Production Establishments** in the Light Industrial Zone per state requirements or to create an Overlay Zone where facilities would specifically be allowed.

¹ Utah Code [§ 4-41a-406](#).

² Utah Code [§ 26-61a-507](#).

Staff plans to bring the proposed amendments before the Planning Commission on December 11, 2019, and Council on December 19, 2019.

Although Park City must comply with the new State Legislation, alternatives are available to the Planning Commission and Council. For example:

- A. Status quo: permit medical cannabis **pharmacies** where traditional pharmacies are currently allowed (Historic Commercial Business, General Commercial, and Light Industrial zones, although applicants may challenge for additional zone eligibility if location not zoned primarily residential);
 - i. and **production establishments** in the Light Industrial zone, although applicants may argue additional zone eligibility in any zone where “**agriculture**” is an allowed use, including the HRL, HR-1, HR-2, HRM, HRC, HCB, ROS, E-40, E, SF, R-1, RD, RDM, RM, RC, RCO, GC, LI and CT zones;
- B. Consider amendments to the LMC as proposed above on December 19, 2019; or
- C. Direct staff to consider other specific zones for **production establishments**.

Council Agenda Item Report

Meeting Date: December 5, 2019

Submitted by: Jonathan Weidenhamer

Submitting Department: Sustainability

Item Type: Work Session

Agenda Section:

Subject:

Food Truck Update

Suggested Action:

Attachments:

[Food Truck Report](#)

Staff Communication



Subject: Food Truck Update
Author: Matthew Twombly, Senior Project Manager
Jonathan Weidenhamer, Economic Development Manager
Department: Economic Development
Date: December 5, 2019
Type of Item: Administrative

Summary Recommendation

Staff intends to re-issue a Request for Qualifications (RFQ) to pre-qualify additional food trucks vendors for use of public property and City facilities already approved by Council. Additionally, based on strong opposition from the HPCA and Restaurant Association, staff is not recommending creating a food truck location on Main Street, despite a belief that it will create additional variety and affordable food options.

Background

Based on staff recommendation ([City Council minutes p. 8, 10-23-18](#)), an RFQ was issued for vendors on City property, including Bob Wells Plaza, adjacent to Silver King Coffee, City Park, MARC, Quinn's Sports Complex, and Ice Rink. The RFQ resulted in only one eligible vendor, and only one night of food truck vending, on August 31, 2019. Sales were very poor. The vendor specifically requested a spot on Main Street. Additionally, we continue to get sporadic inquiries from local and regional vendors with an interest in food truck vending on City property.

Analysis

While staff believes the vendor(s) lack of effort to create a consistent and predictable service diminished the effectiveness of the program, ultimately we erred in our belief that there was more interest locally among our own businesses to supply a more consistent and predictable food truck service beyond special events. Therefore, staff recommends reissuing the RFQ to expand to bring in more regional vendors for the same areas (City facilities, Silver King area and Swede Alley plaza).

Alternative. Allow Food Truck(s) on Main Street

Council could expand food trucks location(s) to Main Street. Identification of the Bob Wells area was a balanced, win-win approach intending to minimize competition with brick and mortar businesses while providing additional opportunities for local vibrancy and energy to serve a broader, more diverse, and affordable food audience. This balance was considered and identified in the October 23, 2018, staff report ([10.23.18 report](#)). Staff believes allowing vending from a Main Street location could tip that balance and create competition with existing Main Street business owners who in most cases pay very high rents.

We estimate six restaurants that offer late night food including: Spur, Butcher's, Non Name, Flanagan's, Cabin and O'Shucks. Despite these locations, Economic Development often receives requests for additional and affordable evening food options.

On November 19, 2019, at the HPCA monthly board meeting both the HPCA Board and Restaurant Association representatives, strongly opposed expansion of the food truck locations to Main Street.

Council Agenda Item Report

Meeting Date: December 5, 2019

Submitted by: Michelle Kellogg

Submitting Department: Executive

Item Type: Minutes

Agenda Section:

Subject:

Consideration to Approve the City Council Meeting Minutes from November 19, 2019

Suggested Action:

Attachments:

[November 19, 2019 Minutes](#)



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

November 19, 2019

The Council of Park City, Summit County, Utah, met in open meeting on November 19, 2019, at 8:30 a.m. in the City Council Chambers.

SPECIAL MEETING - ELECTION CANVASS

I) ROLL CALL

Attendee Name	Status
Mayor Andy Beerman Council Member Becca Gerber Council Member Tim Henney Council Member Steve Joyce Council Member Lynn Ware Peek Council Member Nann Worel Matt Dias, City Manager Margaret Plane, Special Counsel Michelle Kellogg, City Recorder	Present
None	Excused

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

Mayor Beerman opened the meeting for public input on matters not being addressed on the agenda. No comments were given. Mayor Beerman closed the public input portion of the meeting.

III.) NEW BUSINESS

1. Consideration to Approve Resolution 26-2019, a Resolution of the Board of Canvassers Certifying the Official Canvassers' Report of the November 5, 2019, Municipal General Election for Park City, Utah:

Michelle Kellogg, City Recorder and Election Official, presented this item and referred to the ballot counts generated by the Summit County Clerk that were included in the

1 packet materials. She asked if Council had any questions or comments about the ballot
2 counting process. No comments were given.

3
4 Council Member Joyce moved to approve Resolution 26-2019, a resolution of the Board
5 of Canvassers certifying the Official Canvassers' Report of the November 5, 2019,
6 Municipal General Election for Park City, Utah. Council Member Worel seconded the
7 motion.

8 **RESULT: APPROVED**

9 **AYES:** Council Members Gerber, Henney, Joyce, Ware Peek and Worel

10
11 **IV.) ADJOURNMENT**

12
13 With no further business, the meeting was adjourned.
14
15
16
17
18
19

Michelle Kellogg, City Recorder

Council Agenda Item Report

Meeting Date: December 5, 2019

Submitted by: Heinrich Deters

Submitting Department: Sustainability

Item Type: Staff Report

Agenda Section:

Subject:

Request to Approve a Five (5) Year Agricultural Lease with Pace Brothers Excavation LLC on the 129 Acre City-Owned Pace Property, Located Adjacent to the Rail Trail, in a Form Approved by the City Attorney

Suggested Action:

Attachments:

[Pace Agricultural Lease Staff Report](#)

City Council Staff Report



Subject: Agricultural Leases- City Property
Author: Heinrich Deters
Department: Sustainability Department
Date: December 5, 2019
Type of Item: Administrative Consent

Summary Recommendations:

Staff recommends City Council approve a five year agricultural lease with Pace Brothers Excavation LLC for the city-owned Pace property in a form approved by the City Attorney. (Exhibit A)

Background:

- Park City Municipal Corporation has a long history of agricultural leases on city owned property. The Pace family has been a lessee on the Pace Property since it was acquired by the City in 1996.
- The lease authorizes grazing and the growing of alfalfa. The annual rent for the lease is \$700.00.

Analysis:

Agricultural Leases as contemplated within this report are recommended by staff for the following reasons:

- Helps maintain our historic rural environment.
- Aids in the mitigation of noxious weeds.
- Aids in the maintenance of fences located on the property.
- Pace Brothers Excavation LLC has demonstrated their use of the property is consistent with sustainable grazing standards. (They do not overgraze areas)
- Staff finds that the grazing use contemplated saves the City money in terms of open space maintenance specifically associated with noxious weed abatement.
- The property in which the grazing is contemplated does not have established public trails.
- Property contemplated is not encumbered with a third party conservation easement.
- The Lease is for five years and may be terminated at any time for any reason with a 10 day notice.

Staff is currently evaluating the insurance requirements with it's consultant as the current amount is less than City standard. Once a recommendation by the consultant is provided, staff will consult with the Legal and Executive Departments per any waiver.

Department Review:

This report has been reviewed by the Planning, Sustainability, Legal and Executive Departments.

Exhibit A- Pace Property Term Sheet and Map

Base Lease Terms:

a)	Premises	Approximately 129 acres (Exhibit A). County: Summit County State: Utah Parcel Numbers: SS-28-A-1-X, SS-27-B-X Property Name: City-Owned Pace	
b)	Term	Years: Five (5) Commencement Date: January 1, 2020 Expiration Date: December 31, 2025 Termination Period (Lease may be terminated at any time for any reason upon the following Notice): 10 days	
c)	Rent	Annual Rental:\$700 Payment: Due Annually March 1st	
d)	Landlord Address General Correspondence:	<table><tr><td>Park City Municipal Building Authority 455 Marsac P.O. Box 1480 Park City, UT 84060 Attention: <u>Heinrich Deters</u></td></tr></table>	Park City Municipal Building Authority 455 Marsac P.O. Box 1480 Park City, UT 84060 Attention: <u>Heinrich Deters</u>
Park City Municipal Building Authority 455 Marsac P.O. Box 1480 Park City, UT 84060 Attention: <u>Heinrich Deters</u>			
<u>e)</u>	Property Manager	Park City Municipal Corporation 455 Marsac P.O. Box 1480 Park City, UT 84060 Attention: <u>Heinrich Deters</u>	
f)	Tenant Address	Pace Brothers Excavation LLC. Michael F Pace, Manager3128 S Jason Place West Valley City, UT. 84119 Phone: 801-558-2650 Email: mikefpace@comcast.net Tax ID #: 45-5154261	
f)	Insurance	TBD	

Map



Council Agenda Item Report

Meeting Date: December 5, 2019

Submitted by: Roger McClain

Submitting Department: Public Utilities

Item Type: Staff Report

Agenda Section:

Subject:

Request to Authorize the City Manager to Execute a Professional Services Agreement, in a Form Approved by the City Attorney, with Jacobs, Inc., for the 3Kings Water Treatment Plant (3KWTP) Construction Engineering Services Contract in an Amount Not to Exceed \$6,500,000.00

Suggested Action:

Attachments:

[3KWTP Construction Engineering Contract Staff Report](#)

[Exhibit A: 3KWTP Contracts Summary Table](#)



City Council Staff Report

Subject: 3Kings Water Treatment Plant – Construction Engineering Services
Author: Professional Services Agreement, Jacobs, Inc.
Department: Roger McClain, Public Utilities Engineering Manager
Date: Public Utilities
Type of Item: December 5, 2019
Administrative

Recommendation

Staff recommends Council authorize the City Manager to execute a Professional Services Agreement, in a form approved by the City Attorney, with Jacobs, Inc., for the 3Kings Water Treatment Plant (3KWTP) Construction Engineering Services in an amount not to exceed \$6,500,000.00.

The recommended amount is consistent with the anticipated fees contained in the overall project expense table previously presented to Council in prior meetings and provided in Attachment A.

Services included in the proposed agreement with Jacobs, Inc., are construction engineering/inspection services related to the 3KWTP improvements work. These services generally include:

- Development of treatment process operations & controls model and subsequent implementation coordination with the City and contractor;
- Field and office engineering services consisting of shop drawing & submittal reviews, construction drawing & specification clarifications, and revisions;
- Asset management support including Computerized Maintenance Management System (CMMS) assistance;
- Field services including providing a Resident Engineer, architectural support, inspection services, and management of special inspections and testing services;
- Operator training, equipment and process testing, and treatment plant start-up support; and
- Post-Construction services including record drawing and process manuals, Engineer of Record related project approvals, and process optimization support.

Throughout construction Park City Water staff will provide construction and contract administration, public outreach, and through third party contracts, building commissioning, special inspections, and testing services.

Schedule. Construction engineering services will begin upon contract execution, be completed by spring of 2023, and post-construction engineering services will continue through the end of 2023.

Background

- On November 21, 2019, staff issued a Request for Qualifications for 3KWTP Construction Engineering Services. Subsequently, two proposals were received, evaluated, and Jacobs was selected;
- On November 21, 2019 Council authorized the execution of the Construction Agreement for the 3KWTP Project with Alder Construction Company;
- Staff and Jacobs have developed and negotiated a scope and fee for construction engineering services consistent with the 3KWTP Project work by Alder Construction.

Funding Source

The funding for the services included in the agreement is from water service fees, is included in the approved 5-year water CIP budget, and costs are included in the Water Department's long term comprehensive financial model. The issuance of multiple revenue bonds will be required to pay for this project. The amount of each bond will be determined on an annual basis based on the rate of expenditures on the project.

Attachments

Attachment A: Table A summarizes project related Council approved contracts, anticipated contracts, and highlighting the proposed contract is attached to the staff report.

Attachment A to Staff Report - PSA Jacobs 3KWTP CE Services 3KWTP Contracts Summary Table

<i>Summary of Approved Council Contracts and Anticipated Contracts</i>	
Total Approved Contracts	\$93,393,403
Total Estimated Contracts	\$107,050,000
Budget prior to FY 20	\$8,075,375
5 year CIP Budget (FY 20 - FY 24)	\$101,736,093
Total Budget	\$109,811,468
Percent Design Complete	90%
Percent Construction Complete	5%

Service	Contractor	Contract	CC Authorized Date	CC Authorized Amount	Estimated Contract Amount	Estimated Future Contract Approval Date
3Kings Water Treatment Plant and Associated Improvements						
Design Engineer - 3KWTP Concept & Process Development	CH2M (Jacobs)	DSPA	25-May-17	\$1,497,909.00	\$1,500,000	
<i>Schematic Design</i>		First Addendum	5-Apr-18	\$1,600,000.00	\$1,470,000	
<i>Design Development & Const. Drawings</i>		Second Addendum	8-Nov-18	\$5,870,000.00	\$5,100,000	
<i>Supplemental Design and Equipment Procurement Assistance</i>		Third Addendum		\$565,000.00	\$580,000	October 2019
Design Engineer - 3KWTP Process Advisory Assistance	WQTS	DSPA		\$98,460.00	\$100,000	
ECI Contractor - 3KWTP Pre-Construction & Construction Services	Alder Construction	Agreement	8-Nov-18	\$0.00	\$0	
<i>Pre-Construction Services</i>		Amendment No. 1	8-Nov-18	\$183,500.00	\$200,000	
<i>Pre-Construction Services</i>		Amendment No. 2	18-Jul-19	\$61,336.00	\$100,000	
<i>Pre-Construction Services</i>		Amendment No. 3	15-Aug-19	\$82,374.00	\$100,000	
<i>Off-site Improvements Ph 1 GMP</i>		Amendment No. 4	15-Aug-19	\$2,400,000.00	\$2,400,000	
<i>Construction Mitigation & Demolition GMP</i>		Amendment No. 5	2-Sep-19	\$2,530,650.00	\$2,500,000	
<i>3KWTP Construction GMP</i>		Amendment No. 6	21-Nov-19	\$77,500,000.00	\$77,000,000	November 2019
<i>Off-site Improvements Ph 2 GMP</i>		Amendment No. 7			\$6,000,000	June 2020
3KWTP Construction Engineering Services	TBD	DSPA			\$6,500,000	December 2019
3KWTP Geotechnical Engineering Services	TBD	DSPA			\$25,000	January 2020
3KWTP Materials Testing & Inspections	TBD	DSPA			\$750,000	January 2020
3KWTP Special Inspections	TBD	DSPA			\$50,000	January 2020
3KWTP Energy Modeling & Building Commissioning	Van Boerum Frank & Assoc.	DPSA	31-May-18	\$44,174.00	\$50,000	
<i>Building & Mechanical Commissioning Services</i>		First Addendum			\$75,000	February 2020
Public Art in the Community	TBD	DSPA			\$300,000	July 2020
Design Engineer - 3KWTP Off-Site Improvements	Bowen Collins & Associates	DPSA	8-Nov-18	\$755,000.00	\$800,000	
<i>Construction Engineering - Off-Site Improvements Ph 1</i>		First Addendum	15-Aug-19	\$205,000.00	\$200,000	
<i>Construction Engineering - Off-Site Improvements Ph 2</i>		Second Addendum			\$200,000	June 2020
<i>Construction Engineering - Empire Tank Replacement</i>		Third Addendum			\$50,000	June 2021
Empire Tank Replacement - Construction	TBD	C/A			\$650,000	March 2021
Empire Tank Replacement - Materials Testing	TBD	DSPA			\$25,000	March 2022
Judge Tunnel & Empire Tank Communications System	TBD	C/A			\$325,000	March 2023
3KWTP Building Permit Fee Waiver	TBD				TBD	
3KWTP Annual Operations and Maintenance Budget	NA				\$2,000,000 per year	Fiscal Year 22
TOTALS				\$93,393,403	\$107,050,000	

Notes

- 1- Dollar amounts shown in the estimated contract amount column are based on the best available information and are subject to change based on many factors such as scope change, project approach change, price inflation and other similar factors.
2 - The list of future contracts is estimated and some may be removed or added depending on the requirements of the project.

LEGEND:

- CC: City Council
C/A: Construction Agreement
CM/GC: Construction Manager/General Contractor
DSPA: Design Service Professional Services Agreement
TBD: To be Determined

Council Agenda Item Report

Meeting Date: December 5, 2019

Submitted by: Beth Bynan

Submitting Department: Finance & Accounting

Item Type: Staff Report

Agenda Section:

Subject:

Request to Approve Special Event Temporary Alcoholic Beverage Licenses during the 2020 Sundance Film Festival

Suggested Action:

Approve

Attachments:

[Special Event Temporary Liquor License Staff Report](#)

[Exhibit A: December 5 Liquor List of Locations](#)

[Exhibit B: December 5 Map of Liquor Locations](#)



City Council Staff Report

Subject: Local Consent for Special Event Temporary Alcoholic Beverage Licenses during the 2020 Sundance Film Festival
Author: Beth Bynan, Business License Specialist
Department: Finance
Date: December 5, 2019
Type of Item: Consent

Summary Recommendation

Staff is requesting Council approval of the Special Event Temporary Alcoholic Beverage License (License) applications listed in Exhibit A for operation during the 2020 Sundance Film Festival (Festival).

Executive Summary

Exhibit A lists all License applicants to date pending approval. These applicants have completed all requirements for application, including insurance requirements and paid the applicable license fee. All locations in Exhibit A have been considered vibrant or meet one of the one-year vibrancy exceptions listed in the code and are eligible to be approved for a Single Event Temporary Liquor permit. Staff is requesting approval of the attached applicants to serve alcoholic beverages during the 2020 Festival.

Background

The Municipal Code of Park City 4-6-2(B)(1) requires City Council approval of all single event alcoholic beverage licenses effective during the Festival, “no later than the last regularly scheduled meeting in the month of December.” There are instances in which Park City Municipal (City) requires a License and the Department of Alcoholic Beverage Control (DABC) does not (i.e. private parties). As stated in Municipal Code [4-6-2-\(B\)1](#), all Single Event Temporary Liquor permit applications for the dates during the Sundance Film Festival are required to obtain Council approval no later than the last regularly scheduled meeting in the month of December.

After the Finance Department accepts completed applications, the applications are reviewed by multiple departments. After approval, the applications must receive City Council approval. Municipal Code [4-6-2\(B\)\(2\)](#), allows City Council to choose to hold an emergency meeting to hear no more than twelve (12) applications for late approval. *If* an emergency meeting is held, no more than the first twelve complete applications to be submitted will be heard. A higher fee, pursuant to the fee schedule, may be required due to the expedited nature of the emergency meeting.

Condition of Approval:

In order to maintain life safety standards, staff recommends that security personnel (at a ratio of 1 security officer per 50 occupants) be required for all Single Event Temporary Alcoholic Beverage Licenses issued to nightclubs, bars and similar uses. Staff

recommends that this security be included as a condition of approval for these identified sites if highlighted in Exhibit A. Staff included this condition of approval information in the 2020 Rules of the Road document to encourage compliance and reduce last minute surprises for event organizers and applicants. To ensure compliance, the Fire Marshall will be monitoring the security plan implementation of these occupancy ratios.

Sites approved through the Special Event process are separately regulated; security is addressed during that application process.

Vibrancy:

In accordance with 4-2-15 [Vibrant Commercial Storefronts](#), locations that have been deemed “dark” for two or more consecutive quarters and which do not meet any of the one-year allowed exceptions will not be eligible for a Single Event Temporary Liquor permit at that location. All of the locations listed in Exhibit A are either vibrant or have met one of the exceptions to vibrancy and are eligible to be approved for the Single Event Temporary Liquor permit.

Alternatives for City Council to Consider

- 1. Recommended Alternative:** Approve the Single Event Liquor Permit locations listed in Exhibit A

Pros

- a. The applicants will be able to serve liquor at their permitted locations.

Cons

- a. There are no anticipated negative impacts associated with approving the locations on Exhibit A.

- b. Null Alternative:** If Council does nothing and does not grant approval, the applicants will not be permitted to serve liquor at the specified locations.

Pros: There are no perceived positive impacts from doing nothing.

Cons: The applicants will not be able to serve liquor at their locations during the 2020 Sundance Film Festival.

Attachments

Exhibit A- List of locations

Exhibit B- Map of Locations

	Applicant Name	Location Address	Regular Tenant	Storefront
	To Be Approved			
1	MACRO	625 Main Street	Terzian Gallery	Y
2	Slamdance	255 Main Street	TMI	N
3	Slamdance	255 Main Street	TMI	N
4	Slamdance	255 Main Street, C	Eagle Nails on Main	N
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
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	Previously Approved			
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28				
29				
Staff recommends a security plan for the highlighted address locations				



Council Agenda Item Report

Meeting Date: December 5, 2019

Submitted by: Beth Bynan

Submitting Department: Finance & Accounting

Item Type: Staff Report

Agenda Section:

Subject:

Request to Approve Type 2 Convention Sales License Applications for Operation During the 2020 Sundance Film Festival

Suggested Action:

approve

Attachments:

[CSL Staff Report](#)

[Exhibit A: December 5 CSL Locations List](#)

[Exhibit B: December 5 Map of CSL Locations](#)



City Council Staff Report

Subject: Council Approval of Type 2 Convention Sales Licenses for Operation during the 2020 Sundance Film Festival
Author: Beth Bynan, Business License Specialist
Department: Finance
Date: December 5, 2019
Type of Item: Consent

Summary Recommendation

Staff is requesting Council approval of the Type 2 Convention Sales License (CSL) applications listed in Exhibit A for operation during the 2020 Sundance Film Festival (Festival) contingent on passing the Final Inspection Post Application (FIPA).

Executive Summary

The Type 2 Convention Sales License applicants to date pending approval are shown in Exhibit A. The applicants have obtained a pre-inspection prior to application (PIPA), provided a site/floor plan stamped by a design professional with occupant load and paid the applicable license fees. Staff is requesting approval of the applications for Convention Sales Licenses during the 2020 Sundance Film Festival (Festival).

Background

The Sundance Film Festival attracts an increasing number of businesses/entities which conduct business within the Park City (City) limits on a short-term basis. These entities are not affiliated with the Sundance Film Festival nor are they official sponsors. The increase in number of these entities has created health, safety and wellness concerns for the City and its residents, including the City's ability to provide basic Police, safety and emergency services. The Finance Department as well as other City staff is inundated with Type 2 Convention Sales License applications in the months and weeks before the Festival starts.

Municipal Code [4-7-3 \(B\)\(2\)](#) retains Council authority to approve Type 2 CSL licenses. Prior to Council's consideration of the Type 2 CSL license application, the applicant must have a pre-inspection prior to application (PIPA). This inspection will highlight any issues related to the space prior to their final inspection. The inspection must accompany the license application along with accurate floor plans stamped by a design professional including the occupant load.

The process for a Type 2 CLS is as follows:

1. Obtain floor plans stamped by a design professional
2. Obtain a PIPA
3. Obtain receipt showing payment to Republic Services in the amount of \$100 to cover trash impacts (one receipt *per applicant*).
4. Make application with site plan, PIPA, and pay the appropriate fee
5. Finance requests approval from City Council

6. Obtain Council approval
7. Obtain a FIPA
8. Issue license

The Municipal Code for Type 2 CSL's allows the City to address issues related to adverse impacts or carrying capacity issues related to the licensed activity and volume. It also allows service departments, event staff and public safety to obtain a more adequate picture of the total public service demands for the Festival in a timeframe that provides for service level and cost adjustments. Staff has reviewed the applications for accuracy and completeness. Staff recommends that Council reviews and approves the applicants listed in Exhibit A. The applicant(s) listed has received a PIPA and if approved by Council, must receive a FIPA prior to the license being issued.

Conventional Chain Businesses (CCBs)

There are no CCB's in Exhibit A.

Alternatives for City Council to Consider

1. **Recommended Alternative:** Approve the Type 2 CSL applications listed in Exhibit A subject to passing the FIPA.

Pros

The applicants will be able to operate during the Festival.

Cons

There are no anticipated negative impacts associated with approving the locations on Exhibit A.

2. **Other Alternative:** Deny the Type 2 CSL applications listed in Exhibit A.

Cons

The applicants will not be able to operate during the 2020 Festival.

3. **Null Alternative:** If Council does nothing and does not grant approval, the applicants will not be permitted to operate at the specified host locations.

Pros There are no perceived positive impacts from doing nothing.

Cons The applicants will not be able to operate during the 2020 Festival.

Attachments

Exhibit A - List of Locations

Exhibit B - Map of Locations

	Applicant Name	Location Address	Regular Tenant	Storefront
	To Be Approved			
1	HBO	306 Main Street	Firewood	Y
2	MACRO	625 Main Street	The Downstairs	N
3	MACRO	625 Main Street	Terzian Gallery	Y
4	Carl Zeiss SBE, LLC	625 Main Street	The Downstairs	N
5	Apple/NVE	657 Park Ave	Big Moose Yacht Club	N
6	Screenvision Media	314 Main Street	David Beavis Gallery	Y
7	Female Quotient	314 Main Street	David Beavis Gallery	Y
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
	Previously Approved			
23				
24				
25				
26				
27				
28				
29				
Staff recommends a security plan for the highlighted address locations				



Council Agenda Item Report

Meeting Date: December 5, 2019

Submitted by: Michelle Kellogg

Submitting Department: Executive

Item Type: Staff Report

Agenda Section:

Subject:

Request to Authorize the Following Annual Insurance Premiums to Fund the City's Insurance Placements for the 2020 Calendar Year: Property Insurance: \$188,163 and Auto Physical Damage: \$81,117 to Liberty Mutual; Public Entity Liability Insurance: \$174,523 to States Self-Insurers Risk Retention Group, Inc.; Workers' Compensation Insurance: \$153,976 for the Workers Compensation Fund; Cyber Liability Insurances: \$32,650 to Beazley Insurance Co.; Crime Insurance: \$4,193 to Travelers Insurance Co.; and Drone Insurance: \$630.00 to Global Aerospace

Suggested Action:

Attachments:

[2020 Annual Insurance Placement Staff Report](#)



City Council Staff Report

Subject: 2020 Annual Insurance Placements
Author: Matthew Dias, Leah Langan
Department: Executive and Legal Departments
Date: November 27, 2019
Type of Item: Administrative

Summary Recommendation

Authorize annual insurance premiums to fund the City's insurance placements for 2020:

1. **Property Insurance:** \$188,163 annual premium to Liberty Mutual; and **Auto Physical Damage:** \$81,117
2. **Public Entity Liability Insurance:** \$174,523 annual premium to States Self-Insurers Risk Retention Group, Inc. ("States"); and
3. **Workers' Compensation Insurance:** \$153,976 annual premium for our Workers Compensation Fund ("WCF"); and
4. **Cyber Liability Insurances:** \$32,650 annual premium to Beazley Insurance Co.;
5. **Crime Insurance:** \$4,193 annual premium to Travelers Insurance Co.
6. **Drone Insurance:** \$630.00 annual premium to Global Aerospace.

The Problem

Park City Municipal's insurance coverage expires December 31, 2019. Therefore, the City must renew its various forms of insurance coverage by purchasing new policy's prior to January 1, 2020.

Background

Park City is a self-insured municipality and required to renew its insurance coverage annually. Park City's exposures and risks are somewhat unique due to its world-class resort environment and extensive offering of a broad array of high quality public services. City staff continues to promote and implement safety policies, procedures, prevention methodologies, and provides regular and now required safety trainings so that risks are mitigated; this required safety training program has translated into cost savings for the City. Risk management procedures also ensure that the City's assets, facilities, and public property are protected from losses, and that the employees, local residents, and tourists and visitors are provided a safe and enjoyable place to live, work and play.

In 2017, Council approved a new professional service agreement with Moreton & Company (Moreton) Insurance Brokerages Services for broker, risk management, and consulting services. Staff and Moreton representatives meet quarterly in an effort to evaluate and assess the City's ongoing liabilities and exposures. Staff has been very pleased, to date, with the proactive nature of the Moreton representatives.

Alternatives for City Council to Consider

1. **Recommended Alternative:** Approve the 2020 insurance placement premiums –

Pros

- a. Responsibly protect the City and its taxpayers from losses, and provide employees, residents, and visitors a safe and enjoyable place to live, work and play.
- b. Significant savings were achieved via proactive efforts by staff to increase safety training and procedures.

2. **Null Alternative:** All current insurance policies for the City will expire on December 31, 2019, leaving the City, its infrastructure, and employees largely uninsured.

3. **Continue the Item:** If prolonged, could result in temporary lapses in the City's insurance coverage.

Analysis:

1. **Property Insurance**

Staff recommends renewing with Liberty Mutual at a premium of \$188,163. This reflects a premium increase of \$30,006 over the previous year. The auto physical damage premium is \$81,117, which is an increase of \$19,968 over the previous year. The increase is attributed to acquiring 21 additional vehicles, as well as claims (damages to a charging station).

Liberty Mutual is a “best-in-class” property insurer that distributes property insurance and engineering solutions through a network of partners. Traditionally, they have not been engaged in the Utah municipal market, yet are heavily engaged in the commercial and institutional markets in Utah. We are pleased with their services.

2. **Public Entity Liability Insurance**

Staff recommends renewing with States Self-Insurance Risk Retention Group at a premium of \$174,523, resulting in a \$10,000,000 policy limit. This reflects a premium increase of \$10,388 over the previous year.

States Insurance Group is a member-owned company with policies written to address the unique exposures and operations of municipalities and related public entities. Park City has been a member of States for the past ten years and is familiar with their representatives and claims processes.

3. **Workers Compensation Fund (WCF)**

Staff recommends renewing our Worker Compensation insurance at an annual premium of \$153,976. This reflects an increase of \$9,455 over the previous year.

While the premium increased, Park City received the maximum discretionary discount of \$313,364, resulting in the highest discount in the state. The discount is due to a decrease in claims over the last five years – some of which is the result of the City's focus on employee safety and associated training programs, as well as good fortune.

Cyber Liability

Staff recommends renewing with Beazley Cyber at a premium of \$32,650 resulting in a \$5,000,000 policy limit. This reflects a premium decrease of \$96 over the previous year. The primary cause of the decrease is due to City's reduction in claims and losses.

Cyber Liability insurance is becoming more relevant for organizations with sensitive information storage.

Crime Insurance

Staff recommends reinstating a three year term policy we have in effect until 2023, with a yearly premium of \$4,193 resulting in a \$100,000.00 policy limit.

Drone Coverage

Staff recommends coverage for the City's use of drones. For several years, staff has utilized drones for trails and open space, property monitoring, and GIS purposes. The premium for the coverage remains the same as the previous year at \$630 for a \$1 million policy limit. This coverage reflects a strong recommendation from our insurance broker to adequately cover the city's use of drones.

Funding Source

Sufficient funding exists for the 2020 insurance premiums as a result of the recent budget process.

City Council Staff Report

Subject: Argent at Empire Pass Condominiums
Author: Alexandra Ananth, Sr. Planner
Date: December 5, 2019
Type of Item: Administrative – Condominium Plat



Project Number:	PL-19-04278
Applicant:	Lot 2 Empire Pass North LLC
Location:	7677 Village Way, Empire Pass Lot 2
Zoning:	Residential Development (RD) District as part of the Flagstaff Annexation and Village at Empire Pass Master Planned Development (MPD)
Adjacent Land Uses:	Deer Valley Resort, condominiums building and townhouses, Empire Club, vacant development parcels of the Village at Empire Pass Pod A and open space
Reason for Review:	Condominium Plats require Planning Commission review and City Council approval

Recommendation

Staff recommends the City Council hold a public hearing on the Condominium Plat for 7677 Village Way, also known as the Argent at Empire Pass Condominiums, for 28 market rate residential units, one (1) ADA accessible unit, two (2) deed restricted units, accessory parking and various residential accessory uses, all within one building, and consider approving the Condominium Plat based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the attached Ordinance.

Executive Summary

This is a request for a Condominium Plat (Exhibit A) for 28 residential units, one (1) ADA accessible unit and two (2) deed restricted housing units within one building, proposed to be constructed at 7677 Village Way, Lot 2 Empire Pass North. This Condominium Plat memorializes density, uses and configuration of units, and identifies areas of private and common ownership. The Planning Commission recently approved a Conditional Use Permit for the lodge style building at their November 13, 2019 meeting. At the same meeting they voted to recommend approval of the Condominium Plat to the City Council.

Background

The property at 7677 Village Way is located within the Residential Development (RD) zoning district on a 2.01 acre Lot 2 of the Village at Empire Pass North Subdivision (Exhibit C). The property is subject to the Village at Empire Pass Master Planned Development (VEP MPD), approved by the Planning Commission on July 28, 2004 ([Exhibit D- link to VEP MPD approval](#)) and the Flagstaff Annexation.

Flagstaff Annexation

On June 24, 1999, Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the Flagstaff Mountain area. Resolution

20-99 granted the equivalent of a "large-scale" Master Planned Development (MPD) and set forth the types and locations of land use; maximum densities; timing of development; development approval process; as well as development conditions, restrictions, obligations, and amenities for each parcel. The Flagstaff Development Agreement was amended and recorded in March 2007 (Amended Agreement, [Exhibit E- Link to Amended Development Agreement](#)).

The 2007 Amended Agreement specifies that a total of 87 acres, within three development pods (A, B1 and B2), of the 1,750 acres of annexation property may be developed for the Mountain Village. The Mountain Village is further constrained to a maximum density of 785 unit equivalents (UE) configured in no more than 550 dwelling units as multi-family, hotel, townhouse or PUD units. The number of PUD units is restricted to sixty units (60). The MPD also allowed 16 single family home sites within the Mountain Village. At least 50% of the residential units within the Mountain Village must be clustered within the primary development pod (Pod A). The development pods are linked by transit. A fourth pod, Pod D, is allowed 30 single family lots (this area was platted as the Red Cloud Subdivision for 30 single family home sites). The subject property is located within Pod A.

There are also 14 technical reports associated with the Empire Pass development area. The 14 technical reports, along with the Land Management Code and the Amended Agreement, form the standards under which the developments in the area are reviewed (Exhibit F – [Link to Technical Reports](#)).

Village at Empire Pass Master Planned Development

On July 28, 2004, the Planning Commission approved a Master Planned Development (MPD) for the Village at Empire Pass (Pod A), known as the Village at Empire Pass Master Planned Development (VEP MPD). The VEP MPD was the first step in the development process for Pod A.

The purpose of the VEP MPD was to establish unit mix and density for the Mountain Village as well as addressing overall project infrastructure throughout the Annexation Area. The VEP MPD established building volumetrics, including specific height exceptions, density and development location. The VEP MPD requires Conditional Use Permit approval for the "lodge" buildings and administrative Conditional Use Permit approval for the townhouses and PUD style units, prior to building permit issuance for construction. The subject property is considered a "lodge" building and is known as Building 4 in the VEP MPD.

Subdivision Approvals

The Village at Empire Pass North Subdivision Plat, approved by Council on June 15, 2017, plats metes and bounds parcels within the VEP MPD area for the purpose of creating platted lots of record for Buildings 3 and 4, as well as townhouse units on Lot 1 (**Exhibit C**). The plat identifies a requirement for affordable housing to be constructed within the buildings on Lots 2 and 3 to be completed prior to issuance of a certificate of occupancy for each building and in compliance with the housing plan. The subject property is considered Lot 2 in the Village at Empire Pass North Subdivision Plat.

Analysis

The proposal complies with LMC lot and site requirements of the RD Zoning District and the VEP MPD.

The platted units include:

Unit #	Total Floor Area (sf)	Bedrooms	Parking required
Private Units			
Unit 102	2620	4BR	2
Unit 103	2283	3BR	2
Unit 106	2819	4BR	2
Unit 201	1506	2BR	1.5
Unit 202	1978	3BR	1.5
Unit 203	1981	3BR	1.5
Unit 204	1894	3BR	1.5
Unit 205	2413	3BR	2
Unit 206	2897	4BR	2
Unit 301	1506	2BR	1.5
Unit 302	1978	3BR	1.5
Unit 303	1981	3BR	1.5
Unit 304	1894	3BR	1.5
Unit 305	2413	3BR	2
Unit 306	2450	3BR	2
Unit 401	1506	2BR	1.5
Unit 402	1978	3BR	1.5
Unit 403	1981	3BR	1.5
Unit 404	1894	3BR	1.5
Unit 405	2413	3BR	2
Unit 406	2450	3BR	2
Unit 501	3207	4BR	2
Unit 503	1649	2BR	1.5
Unit 504	1986	3BR	1.5
Unit 505	2415	3BR	2
Unit 506	2450	3BR	2
Unit 604	3524	4BR PH	2
Unit 605	3927	4BR PH	2
28 Total Private Residential Units	63,993		52 or 39 with 25% reduction
Emp. Unit (EHU)	803	Studio	1
Emp. Unit (EHU)	815	1BR	1
Unit 105 (ADA accessible)	801	1BR	1
Amenity.	8,433		

			n/a
Service/Support	15,893		n/a
Parking	14,077		n/a
Gross building area, including all residential, accessory, circulation, storage, mechanical, and parking	108,559		n/a

The condominium plat identifies 28 private residential units not exceeding 64,000 square feet, and 32 UE. The units range from 2 bedroom 2 bath units to 4 bedroom 4.5 bath penthouses.

The two deed restricted units appear on the plat as Private ownership units. The Plat will include a note stating that these units must be occupied by individuals employed within certain areas of Park City and will have a reduced dues structure and will reference a Deed Restriction to be recorded at the same time as the Plat. Ownership of the two units will remain with the Declarant and the units will be leased to the HOA for occupancy by the Lodge Keeper and other employees of Deer Valley Lodging. The Declarant will have a right to sell the units, but the deed restriction will limit the values for both sale and rent.

This is consistent with the operation of the deed restricted units at the Grand Lodge, Flagstaff, One Empire Pass, and Arrowleaf Lodges. These projects maintain ownership of the deed restricted units and lease them the manager of the property or to someone employed in the Empire Pass area that qualifies for the unit. Shooting Star does not have a deed restricted unit in the building and the deed restricted unit at Silver Strike is designated as common. The Silver Strike unit is controlled by the HOA and is under agreement to a qualified buyer. ***A deed restriction for the EHU unit, approved by the City, is a Condition of Approval prior to plat recordation. The deed restriction should outline and resolve concerns that may have come up on other affordable units platted as private.***

The ADA accessible unit is platted as Common area and owned in common with all owners. No dues structure or costs are associated with the unit. The HOA Board will enter into a management agreement with Deer Valley Lodging or the current property manager to rent the unit along with other ADA accessible units available for rent, first to people requesting accessible units and secondarily to the general public.

An underground parking structure provides 35 Common parking spaces, including 2 ADA spaces, as well as limited storage areas for 13 of the units. Three surface spaces are provided at the drop off area in front of the building and one stall is proposed via an easement just off the driveway of the abutting Empire Residences.

Additional Information

The Development Agreement is the equivalent of a Large-Scale Master Plan and sets forth maximum densities, location of densities, and developer-offered amenities for the annexation area. The application is in compliance with the location, density and affordable housing requirements of the Development Agreement as they apply to this lot, the VEP MPD approved in 2004, and The Village at Empire Pass North Subdivision Plat approved in 2017.

At a Study Session on November 7, 2019, the City Council considered compliance matters regarding Technical Reports 5 & 6 as part of the proposed Memorandum of Agreement with the Master Owners Association. The discussion included outstanding work requirements for the 19 resources identified by SWCA's Historic Preservation Plan (HPP) Update Report for Flagstaff Mountain Resort, a priority list beyond the 2001 obligations, and whether or not the City Council wishes to create additional funding mechanisms to assist in historic preservation efforts.

The City Council determined that there are outstanding work requirements for two structures, including the Judge Mining and Smelting Building which Planner Tyler is working on with responsible parties, as well as signage and revegetation, with greater preservation effort coming in 2020. Staff will return to the City Council at some point in the near future to further discuss the priority list and additional city funding mechanisms.

At the Planning Commission meeting on November 13, 2019, the Commission directed Staff to amend the Findings of Fact to incorporate a number of Sandra Morrison's recommended Findings as submitted on November 11, 2019. Staff has made these changes in the attached Ordinance in red.

Alternatives

- The City Council may conduct a public hearing, discuss the proposal and approve the Argent at Empire Pass Condominiums Plat as conditioned or amended. **This is Staff's recommendation.**
- The City Council may deny the Argent at Empire Pass Condominiums Plat and direct staff to make Findings for this decision.
- The City Council may continue this item to a date certain and request additional information in order to take final action.

Exhibits

Ordinance

Exhibit A – Condominium Plat Plans

Exhibit B – Applicant's Project Description

Exhibit C – Village at Empire Pass North Subdivision

[Exhibit D – Village at Empire Pass Planned Development \(VEP MPD\) approval \(link\)](#)

[Exhibit E – Flagstaff Development Agreement \(link\)](#)

[Exhibit F – Technical reports \(link\)](#)

Exhibit G – [Link to Staff Report for November 13, 2019, Planning Commission Meeting](#)

Draft Ordinance No. 2019-58

**AN ORDINANCE APPROVING THE ARGENT AT EMPIRE PASS CONDOMINIUMS
PLAT LOCATED AT 7677 VILLAGE WAY, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the Argent at Empire Pass Condominiums, located at 7677 Village Way, petitioned the City Council for approval of the Argent at Empire Pass Condominiums Plat; and

WHEREAS, on September 25, 2019, the property was properly posted and legal notice was sent to all affected property owners; and

WHEREAS, on September 25, 2019, proper legal notice was published in the Park Record and on the Utah Public Notice website according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission opened the Public Hearing on October 9, 2019, and continued the item to after a November 7, 2019 Study Session to consider compliance matters regarding Technical Reports 5 & 6 as part of the proposed Memorandum of Agreement with the Master Owners Association;

WHEREAS, the Planning Commission, on November 13, 2019, continued the Public Hearing on the Condominium Plat and forwarded a positive recommendation to the City Council; and,

WHEREAS, the City Council on December 5, 2019, held a public hearing and took final action on the Condominium Plat; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Argent at Empire Pass Condominiums Plat consistent with the Village at Empire Pass Master Planned Development Agreement and the Argent at Empire Pass Condominiums Conditional Use Permit.

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 Argent at Empire Pass Condominiums Plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property was originally part of the Flagstaff Mountain Annexation and Development Agreement approved by City Council per Resolution No. 99-30 on June 24, 1999 and amended on March 2, 2007.
2. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities for the annexation area.

3. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass (VEP MPD) (Pods A and B1) within the Flagstaff Mountain Annexation and Development area. The MPD (also known as the Mountain Village) was later amended to include Pod B2 (Montage and B2 East).
4. The Mountain Village (Pods A, B1 and B2) was approved for a maximum of 785 UE of multi-family (550 multifamily units) and 16 single family units. A maximum of 60 PUD style units (i.e. Belles, Paintbrush, and Nakoma) were approved as part of the overall multi-family units.
5. To date 770 UEs and 16 single family units have been platted and/or built including the Argent at Empire Pass Condominiums.
6. Constructed lodge style buildings include Shooting Star (Building 2), One Empire Pass (Building 5), Silver Strike (Building 6), Flagstaff Lodge (Building 7), Arrowleaf A and B (Buildings 8 & 9). Empire Residences (Building 3) and the Condominiums at the Tower (Building 1) are currently under construction.
7. There is sufficient density remaining within the VE MPD for the proposed 28 units (32 UE).
8. 572 UE certificates of occupancy have been issued for the entire Flagstaff Annexation and Development area (Pods A, B1, B2, and D). According to the Annexation and Development Agreement, 15 AUE of affordable housing obligations come due for each 150 UE certificates of occupancy. The next housing obligation trigger point is 600 UE certificates of occupancy, when 60 AUE are required to be complete. As of now 105 affordable units are completed and have certificates of occupancy (89 units are off-mountain and 16 units are on-mountain).
9. As part of the Argent at Empire Pass Condominiums CUP 2.0 AUE (1600 sf) is required by the subdivision plat for this lot. The affordable units consists of an 808 sf studio and a 803 sf one bedroom unit designated as private area and can be sold as an affordable unit or used for long term rental to qualified workers consistent with the Flagstaff Housing Mitigation Plan and applicable housing resolutions.
10. On July 22, 2019, the Planning Department received an application for a both a Condominium Plat and a Conditional Use Permit for a twenty-eight (28) unit residential building to be located on Lot 2 of the Village at Empire Pass North Subdivision. The applications were deemed complete on August 22, 2019 and are currently under review by the Planning Commission.
11. The property is located at 7677 Village Way and is known as Lot 2 of The Village at Empire Pass North Subdivision, approved by Council on June 15, 2017.
12. Access to the property is from Village Way, a private street.
13. Lot 2 consists of 2.01 acres or 87,556 square feet and is currently undeveloped.
14. The property is subject to subdivision plat notes that require compliance with the Flagstaff Annexation and Development Agreement, approval of a Conditional Use Permit for each lodge building prior to issuance of a building permit, a declaration of condominium and a record of survey plat prior to individual sale of units, membership in the Empire Pass Master HOA, a 20' snow storage easement along the street frontages, water efficient landscaping, and various utility and maintenance provisions.
15. The proposed condominium plat memorializes the density, size and configuration of units to be construction in one phase and identifies areas of private, common and limited common ownership.

16. The condominium plat identifies 28 private residential units totaling 63,993 sf, utilizing up to 32 UE. The units range in size from 1,506 sf to 3,927 sf. The 801 sf ADA accessible one bedroom unit is identified as common area. The 815 and 803 sf deed restricted units are identified as private area.
17. No commercial uses are proposed in the building.
18. Based on the unit sizes, a minimum of 39 parking spaces are required when taking into consideration the 25% parking reduction required by the Flagstaff Development Agreement and MPD.
19. An underground parking structure provides 35 parking spaces, including 2 ADA spaces, as well as limited common storage areas for some unit. Four surface spaces are provided for a total of 39 parking spaces.
20. All parking spaces will remain Common Area on the Plat but each unit will be assigned one stall and the rest will be kept as common usage.
21. The plat is consistent with the approved Village at Empire Pass Master Planned Development and the Empire Residences Conditional Use Permit in terms of density, height, uses, setbacks, and parking.
22. The application is in compliance with the location, density and affordable housing requirements of the Development Agreement as they apply to this lot, the VEP MPD approved in 2004, and The Village at Empire Pass North Subdivision Plat approved in 2017.
23. On November 7, 2019 the City Council held a Study Session to consider the Historic Preservation obligations of Developers under the Flagstaff Development Agreement and compliance responsibilities.
24. At the November 7, 2019 Study Session, Council was presented with a Planning Department Staff Report which summarized an October 2019 report by SWCA Environmental Consultants titled Historic Preservation Plan Update for Flagstaff Mountain Resort in Park City.
25. The October 2019 SWCA Report and the November 7, 2019 Staff Report identified current deficiencies in historic preservation obligations and mitigation and/or maintenance work needed (Nov. 7 Staff Report Tables 2-5 and 9), identified additional suggested historic preservation work needed (Nov. 7 Staff Report Table 6), and found that immediate stabilization was needed on the Judge Mining and Smelting Building before the coming winter.
26. No decisions were made by Council at the November 7, 2019 Study Session and Council stated that the issues would be further addressed at a future work session. However, Council indicated that preservation of the historic mine site structures was a priority for the Council. Also, that applications before the Planning Commission should continue to be addressed on a case-by-case basis.
27. City Council stated at the November 7, 2019 Study Session their desire to proactively work with responsible parties via a new Memorandum of Agreement to achieve compliance with the obligations of the Flagstaff Annexation and Development Agreement and Technical Reports 5 & 6, including continuing maintenance.
28. The currently proposed Memorandum of Agreement (MOA) has not yet been executed and its terms have not yet been finalized.
29. In the currently proposed MOA, developers Storied and REDUS agree in paragraph 3(b) to provide \$40,000 each into escrow for costs incurred by the Association to

stabilize the Judge Mining and Smelting Building. This amount has not yet been determined to be adequate.

30. This applicant, East West Partners for the Argent at Empire Pass, is not a signatory to the proposed MOA.
31. The Applicant agrees to use its best efforts to encourage the Empire Pass Master Owners Association to work to expeditiously complete and continue its preservation and maintenance obligations of the Flagstaff Development Agreement and Technical Reports 5 & 6, and will cooperatively work with the City to achieve actual compliance.
32. Prior to Plat recording, the applicant has agreed to voluntarily contribute \$20,000 to Historic Preservation efforts in the Flagstaff Development Area, to be held in escrow by the City.
33. A Residences at the Tower Condominiums Plat Condition of Approval requires finalizing that MOA prior to the recordation of the Twisted Branch Road Subdivision Plat.
34. A Master Homeowners Association document and Maintenance Agreement for the Mountain Village were reviewed and approved by the City prior to issuance of building permits for buildings within the Mountain Village. This property is also subject to these documents, in addition to any declaration of condominium and CCRs recorded with the Condominium Plat.
35. The condominium plat allows for the sale of individual units.

Conclusions of Law:

1. There is good cause for this Condominium Plat.
2. The Condominium Plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Condominium Plat.
4. Approval of the Condominium Plat, 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 amended Condominium Plat for compliance with State law, the Land Management Code, and the Conditions of Approval, prior to recordation of the Plat.
2. The applicant will record the Condominium Plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is submitted in writing and approved by the City Council.
3. Conditions of approval of the Village at Empire Pass Master Planned Development (MPD) and the Empire Residences Conditional Use Permit (CUP) apply to this Plat and a note shall be added to the Plat prior to recordation referencing that Conditions of Approval of the Village at Empire Pass MPD, Village at Empire Pass North Subdivision, and the Empire Residences CUP continue to apply to this Condominium Plat.
4. All applicable recorded public utility and access easements shall be indicated on this Condominium Plat prior to recordation.
5. The deed restricted housing units shall be a minimum of 815 and 803 sf

respectively, to meet the plat note requirement of 2.0 AUE for this lot. One AUE is equivalent to 800 sf according to the Development Agreement.

6. Deed Restrictions for the restricted units, approved by the City in accordance with the applicable Housing Resolution, shall be recorded prior to Plat recordation. The deed restrictions shall outline and resolve any issues or concerns that may have come up on other affordable units platted as private. The Plat shall note that the EHU is subject to a deed restriction.
7. The CCRs shall limit the HOA dues related to the deed restricted employee housing units in order to ensure the units remains affordable. The CCRs shall reflect a lower par-value to reflect the reduced cost of the unit (or exempt the unit from HOA fees) to ensure that the unit doesn't lose its affordability due to such fees. The CCRs shall be submitted with the Condominium Plat for review and approval by the City prior to final Condominium Plat recordation.
8. The ADA unit shall be platted as Common Area.
9. The applicant has agreed to voluntarily contribute \$20,000 to Historic Preservation efforts in the Flagstaff Development Area, to be held by the City in escrow prior to the recordation of the Plat.

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

PASSED AND ADOPTED this 5th day of December, 2019.

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, MAYOR

ATTEST:

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Exhibits

Exhibit A – Condominium Plat

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that LOT 2 EMPIRE PASS NORTH LLC, a Delaware limited liability company, the undersigned owner of the hereon described tract of land, to be known hereafter as ARGENT AT EMPIRE PASS CONDOMINIUMS, does hereby certify that it has caused this Plat to be prepared, and does hereby consent to the recordation of this condominium plat to be prepared, and does hereby consent to the recordation of this condominium plat in accordance with an irrevocable offer of dedication.

ALSO, the owner or its representative, hereby irrevocably offers for dedication to Park City all the easements and required utilities and easements shown on this condominium plat in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set his hand this _____ day of _____, 2019.

LOT 2 EMPIRE PASS NORTH LLC,
a Delaware limited liability company,

By: _____

Name: _____

Title: _____

ACKNOWLEDGMENT

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

On this _____ day of _____, 2019, _____ personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he/she is the _____ of LOT 2 EMPIRE PASS NORTH LLC, a Delaware limited liability company, and that said document was signed by him/her on behalf of said limited liability company by authority of its Operating Agreement or Resolution of its Members, and he acknowledged to me that he executed ARGENT AT EMPIRE PASS CONDOMINIUMS.

By: _____
Notary Public

Printed Name _____

Residing In: _____

My Commission Expires: _____

Commission No.: _____



SURVEYORS CERTIFICATE

I, Michael Demkowicz, do hereby certify that I am a Professional Land Surveyor and that I hold License No. 4857264 as prescribed by the laws of the State of Utah, and that I have caused to be made under my direction and by the authority of the owner, REDUS Park City LLC, a Delaware limited liability company, in accordance with the provisions of the Utah Condominium Ownership Act. I further certify that the information shown hereon is correct.

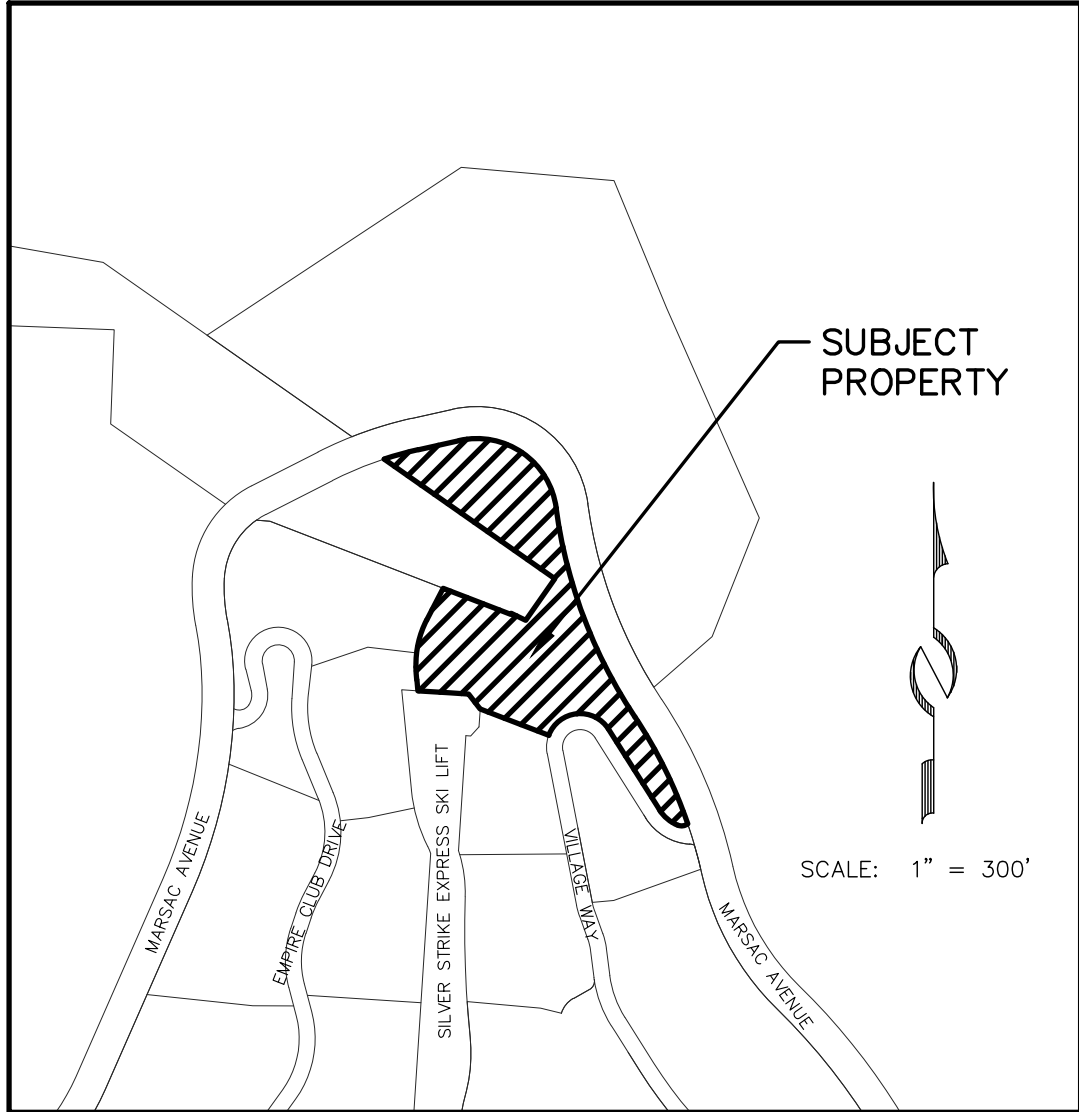
BOUNDARY DESCRIPTION

All of LOT 2, VILLAGE AT EMPIRE PASS NORTH SUBDIVISION, according to the official plat thereof, on file and of record in the office of the Summit County Recorder, Summit County, Utah.

NOTES

- The dimensions of the private spaces and square footage calculations are based on drawings supplied by IBI Group. The square footages shown on this plat are calculated in accordance with the Utah Condominium Act and the Declaration of Condominium for ARGENT AT EMPIRE PASS CONDOMINIUMS, a Utah Condominium Project. Such calculations typically differ somewhat from the square footage determined by the architect or others using different methods of determining unit size. It is the intent that the private ownership area of the units will be as constructed.
- All common structural elements are designated as Common Areas and Facilities, as described in the Declaration of Condominium.
- Building ties on this sheet are from the property line to the building foundation as shown.
- All Common Areas and Facilities are dedicated as non-exclusive easements to Park City Municipal Corporation, Snyderville Basin Water Reclamation District, Park City Fire Service District, and Summit County for the purpose of providing access for utility and drainage installation, use, maintenance, and eventual replacement.
- Access to the units is by private roads and is not warranted by Park City.
- The units of the ARGENT AT EMPIRE PASS CONDOMINIUMS are served by a Common Private Lateral Wastewater Line. The ARGENT AT EMPIRE PASS CONDOMINIUMS Master Owners Association, Inc. (the "Master Association") shall be responsible for the maintenance and replacement of said Private Lateral Wastewater Line serving ARGENT AT EMPIRE PASS CONDOMINIUMS. The cost of such maintenance and replacement shall be paid by the ARGENT AT EMPIRE PASS CONDOMINIUMS Owners Association, Inc. as part of the common expenses.
- Units EMP-A & EMP-B: Deed Restricted Employee/Affordable Housing Act (EHU). Unit 102 on Level One is designed as an ADA unit.
- All conditions of approval of the Village at Empire Pass (Pod A) Master Planned Development, approved July 28, North Village at Empire Pass Master Planned Development, the Village at Empire Pass North Subdivision Plat, recorded January 23, 2018 as Entry Number 1085414, the Argent Conditional Use Permit, dated _____, 2019 and Park City Ordinance _____ shall continue to apply.
- Utility structures such as ground sleeves and transformers and other dry utility boxes must be located on the Lot.
- The Empire Pass Master Owners Association, Inc. (the "Master Association") together with the Master Declaration of Covenants, Conditions, and Restrictions of Empire Pass, as amended ("Master Declaration"), requires the membership of each unit owner. Members are subject to the terms of its articles of incorporation, bylaws, rules and regulations and other governing documents that may be established from time to time by the Master Association, including assessments and reinvestment fees as provided therein.
- Owners and potential buyers of any unit or land within the lots depicted on this plat are given notice that they own or are buying property in a resort area in which all-season resort activities are conducted and where certain risks are present, including, without limitation, damage to property and improvements and personal injury and death caused by errant skiers, mountain bikers and other resort patrons, equipment, machine-made snow, heavy equipment, construction or improvements of facilities, objects or equipment falling from lifts, water runoff, drainage, heavy snow falls, wind patterns, and other conditions that may affect the properties depicted hereon. The adjacent ski resort and its facilities are not amenities of any master association but are owned by a private resort and access to such lands and facilities is governed by such owner or agreements with such owner.
- Village Way is a private road to be owned, operated, maintained and repaired by the Master Association for the use and benefit of the owners of property in Empire Pass at Deer Valley in accordance with the Master Declaration. Village Way is not a public road or right-of-way.
- Lot 2 hereby grants a non-exclusive resort and access easement over the western edge of the property as depicted on this plat as the "5' Wide Ski Easement". This easement is for the benefit of Lot 4 Village at Empire Pass North Subdivision for resort operations and trail maintenance and for the benefit of the Lot 15 Village at Empire Pass Westside Subdivision (One Empire Pass Condominiums) property owners, invitees and guests for purposes of ski and pedestrian access.
- Lot 2 hereby grants a non-exclusive easement near the western edge of the property as depicted on this plat as the "10' Skiway Buffer Zone". This easement is for the benefit of Lot 4 Village at Empire Pass North Subdivision providing that without prior written consent of owner of Lot 4 no above-ground building, trees or other landscaping obstructions may be constructed or maintained in the Skiway Buffer Zone.
- This plat records a total of 63,993 SF of Residential Unit area that is subject to the Unit Equivalent (UE) representing 31.99 UE. Units EMP-A & EMP-B at the basement level & unit 105 ADA at level one are excluded from this number.

VICINITY MAP



SKIWAY BUFFER AND SKI EASEMENT
GRANTOR: MOUNTAIN DEVELOPMENTS I, INC.
GRANTEE: DEER VALLEY RESORT COMPANY
RECORDED: NOVEMBER 29, 2005
ENTRY NO. 760062
BOOK 1754, PAGE 1096

QUITCLAIM DEED
ONTHIRD NUMBER 2 DRAIN TUNNEL
GRANTOR: UNITED PARK CITY MINES COMPANY
GRANTEE: JORDANVILLE SPECIAL SERVICE DISTRICT
RECORDED: AUGUST 27, 2002
ENTRY NO. 630269
BOOK 1468, PAGE 1147

RIGHT-OF-WAY AND EASEMENT GRANT
GRANTOR: MOUNTAIN DEVELOPMENTS I, INC.
GRANTEE: QUESTAR GAS COMPANY
RECORDED: OCTOBER 24, 2009
ENTRY NO. 752686
BOOK 1745, PAGE 91

GRANT OF EASEMENT
GRANTOR: EMPIRE MOUNTAIN VILLAGE, LLC & MOUNTAIN DEVELOPMENTS I, INC.
GRANTEE: SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
RECORDED: NOVEMBER 12, 2004
ENTRY NO. 716688
BOOK 1659, PAGE 1199

GRANT OF ACCESS EASEMENT
GRANTOR: UNITED PARK CITY MINES COMPANY & MOUNTAIN DEVELOPMENTS I, INC.
GRANTEE: SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
RECORDED: JULY 21, 2008
ENTRY NO. 850350
BOOK 1940, PAGE 1919

EASEMENT AREA B:
ENTRY NO. 1072158
ACCESS EASEMENT

EASEMENT AREA C:
ENTRY NO. 1072158
ACCESS EASEMENT

EASEMENT AREA D:
ENTRY NO. 1072158
PARKING EASEMENT

UTILITY EASEMENT

FOUND ALUMINUM MONUMENT
NORTH 1/4 CORNER
SECTION 28, T2S, R4E, S1B&M

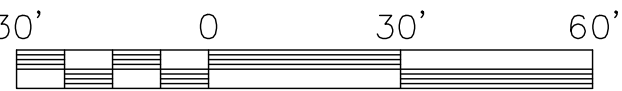
FOUND ALUMINUM MONUMENT
SOUTH 1/4 CORNER
SECTION 28, T2S, R4E, S1B&M

LINE TABLE			
LINE	DIRECTION	LENGTH	
L1	N 05°33'11" W	17.15'	
L2	N 11°45'46" E	1.93'	
L3	S 64°00'00" E	25.34'	
L4	N 38°03'59" W	29.36'	

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	300.00'	20.22'	03°51'42"
C2	150.00'	75.83'	28°57'57"
C3	575.00'	55.52'	05°31'57"
C4	15.00'	16.07'	61°23'47"
C5	62.50'	38.43'	35°13'44"

LEGEND

- Found Section monument (As-Noted)
- Not-Found Section monument (As-Noted)



SECTION LINE
N 88°09'24" E 2591.73'
(BETWEEN SECTION CORNERS)
2201.50'

NORTHEAST CORNER
SECTION 28, T2S, R4E, S1B&M
POSITION OCCUPIED BY HOUSE

ARGENT AT EMPIRE PASS CONDOMINIUMS

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

(435) 649-9467

Alliance Engineering Inc.

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

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

PUBLIC SAFETY
ANSWERING POINT APPROVAL
APPROVED THIS _____ DAY
OF _____, 2019
BY _____
SUMMIT COUNTY GIS COORDINATOR

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER
RECLAMATION DISTRICT STANDARDS ON THIS _____
DAY OF _____, 2019
BY _____
S.B.W.R.D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY
PLANNING COMMISSION THIS _____
DAY OF _____, 2019
BY _____
CHAIR

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN
ACCORDANCE WITH INFORMATION ON
FILE IN MY OFFICE THIS _____
DAY OF _____, 2019
BY _____
PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS _____
DAY OF _____, 2019
BY _____
PARK CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY
COUNCIL THIS _____ DAY OF _____, 2019
BY _____
MAYOR

CERTIFICATE OF ATTEST
I CERTIFY THIS CONDOMINIUM
PLAT WAS APPROVED BY PARK CITY
COUNCIL THIS _____ DAY
OF _____, 2019
BY _____
PARK CITY RECORDER

JOB NO.: 6-3-19 FILE: X:\Empire\dwg\sr\plat2019\060319-Argent.dwg

RECORDED

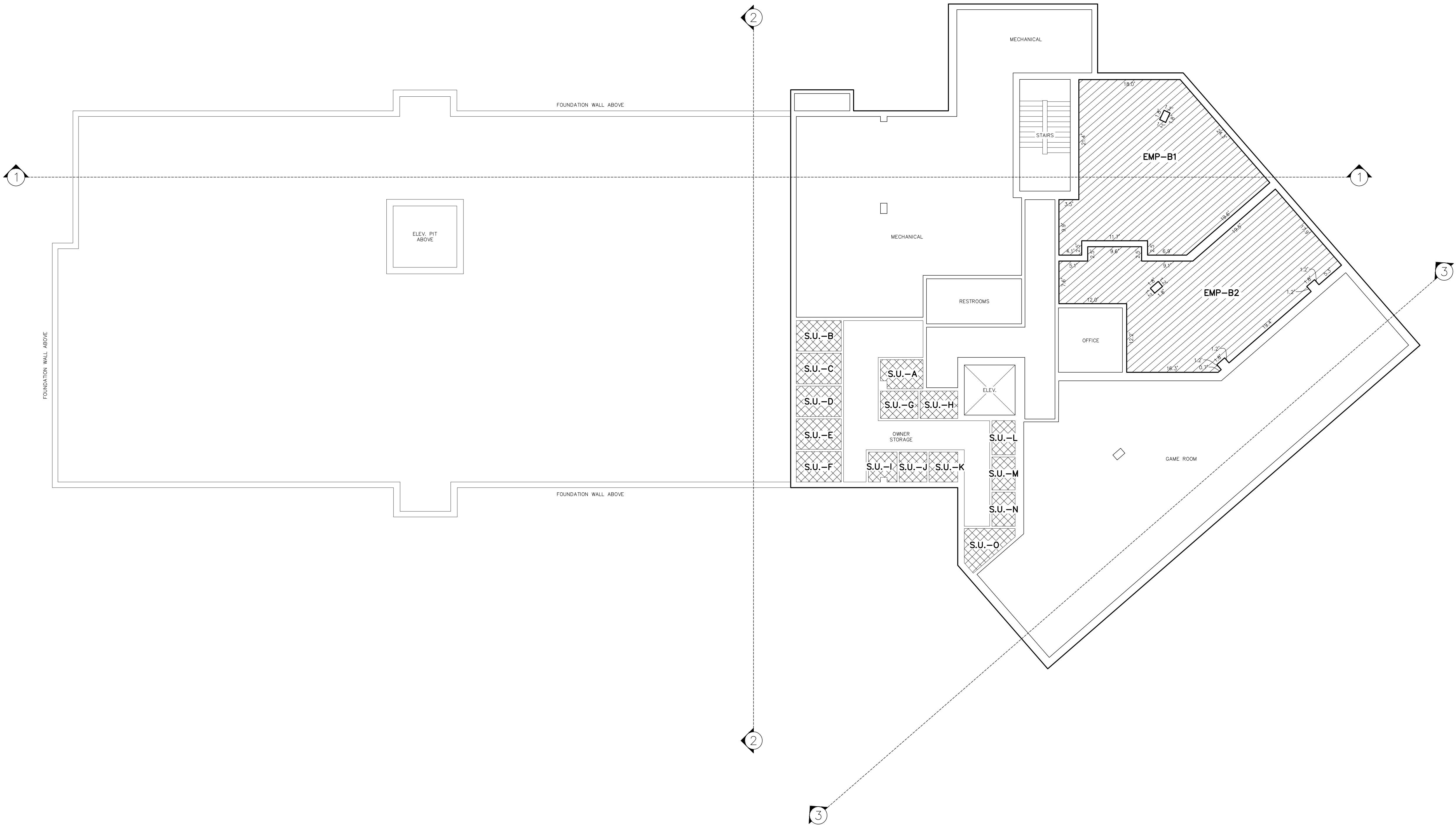
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF _____
FEE _____ RECORDER _____
TIME _____ DATE _____ ENTRY NO. _____

BASEMENT
SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
EMP-B1	803 SF
EMP-B2	815 SF

BASEMENT
STORAGE UNIT OWNERSHIP

OWNER STORAGE UNIT NUMBER	ROOM UNIT NUMBER
S.U.-A	
S.U.-B	
S.U.-C	
S.U.-D	
S.U.-E	
S.U.-F	
S.U.-G	
S.U.-H	
S.U.-I	
S.U.-J	
S.U.-K	
S.U.-L	
S.U.-M	
S.U.-N	
S.U.-O	



ABBREVIATION LEGEND

ELEV. = ELEVATOR
S.U. = STORAGE UNIT

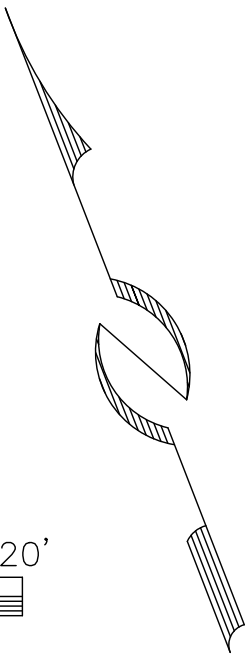
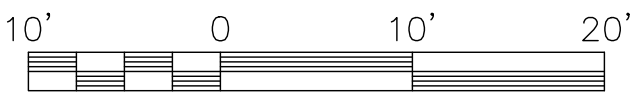
OWNERSHIP LEGEND

	COMMON
	LIMITED COMMON
	PRIVATE OWNERSHIP

BASEMENT

ARGENT AT EMPIRE PASS CONDOMINIUMS

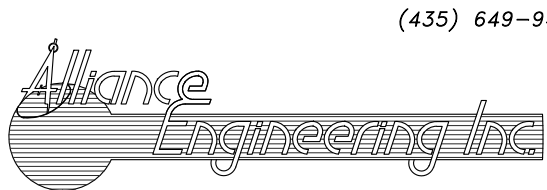
A UTAH CONDOMINIUM PROJECT
LOCATED IN THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



RECORDED

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

FEE _____ RECORDER _____
TIME _____ DATE _____ ENTRY NO. _____

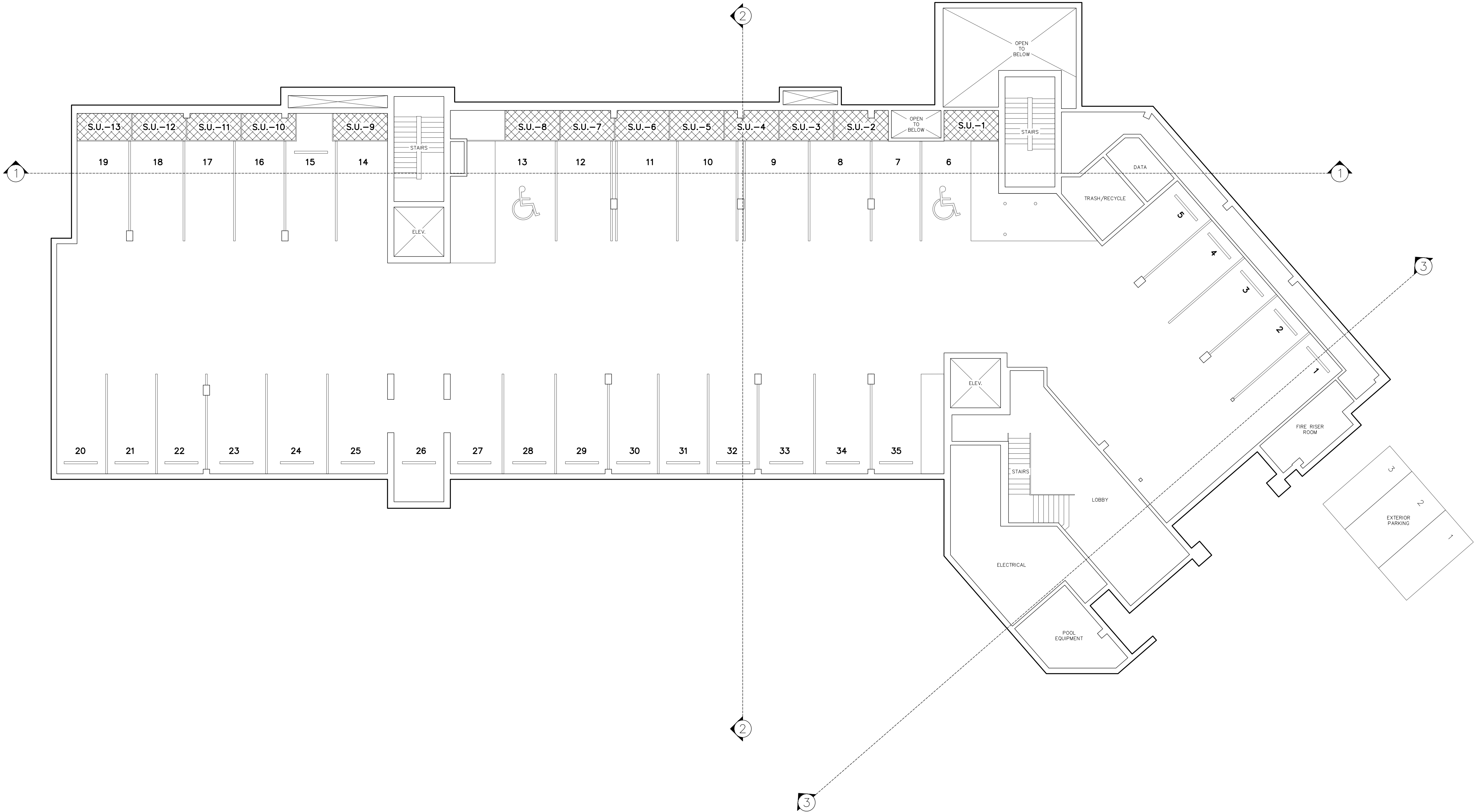


PARKING
STORAGE UNIT OWNERSHIP

OWNER STORAGE UNIT NUMBER	ROOM UNIT NUMBER
S.U.-1	
S.U.-2	
S.U.-3	
S.U.-4	
S.U.-5	
S.U.-6	
S.U.-7	
S.U.-8	
S.U.-9	
S.U.-10	
S.U.-11	
S.U.-12	
S.U.-13	

PARKING
PARKING SPACE OWNERSHIP

PARKING SPACE NUMBER	ROOM UNIT NUMBER
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	
29	
30	
31	
32	
33	
34	
35	



ABBREVIATION LEGEND

ELEV. = ELEVATOR
S.U. = STORAGE UNIT

OWNERSHIP LEGEND

	COMMON
	LIMITED COMMON
	PRIVATE OWNERSHIP

PARKING

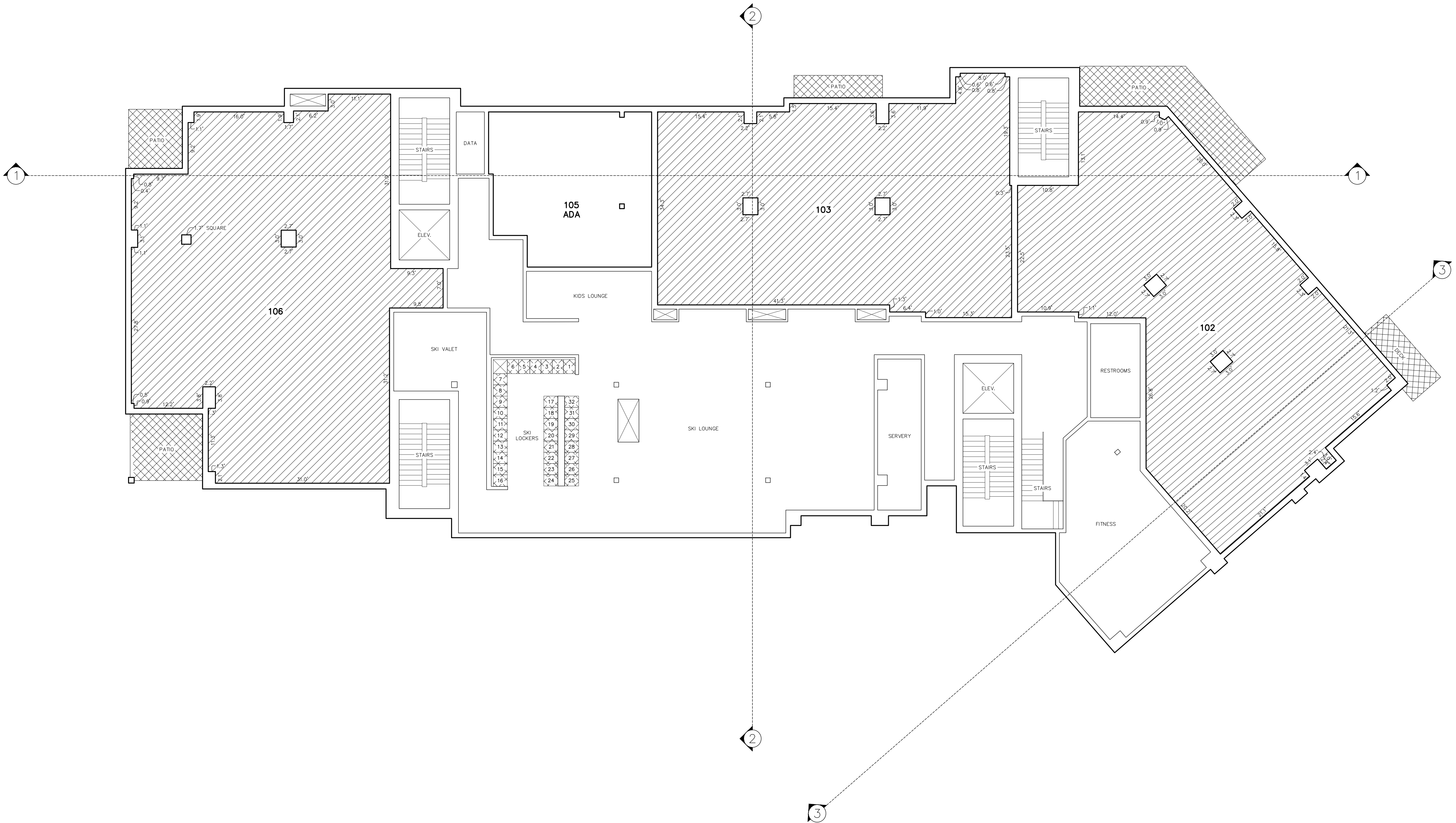
ARGENT AT EMPIRE PASS CONDOMINIUMS
A UTAH CONDOMINIUM PROJECT
LOCATED IN THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

LEVEL 1
SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
102	2,620 SF
103	2,283 SF
105 ADA	801 SF
106	2,819 SF

LEVEL 1
SKI LOCKER OWNERSHIP

SKI LOCKER NUMBER	ROOM UNIT NUMBER
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
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27	
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31	
32	



ABBREVIATION LEGEND

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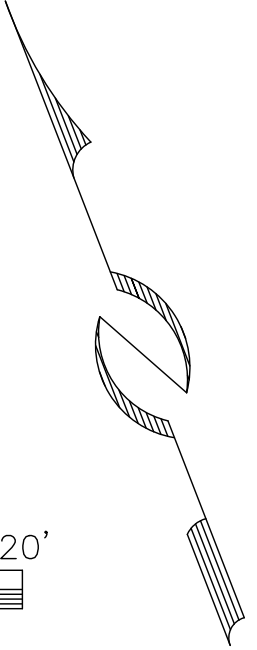
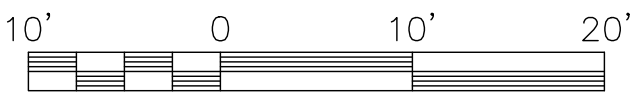
OWNERSHIP LEGEND

	COMMON
	LIMITED COMMON
	PRIVATE OWNERSHIP

LEVEL 1

ARGENT AT EMPIRE PASS CONDOMINIUMS

A UTAH CONDOMINIUM PROJECT
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SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



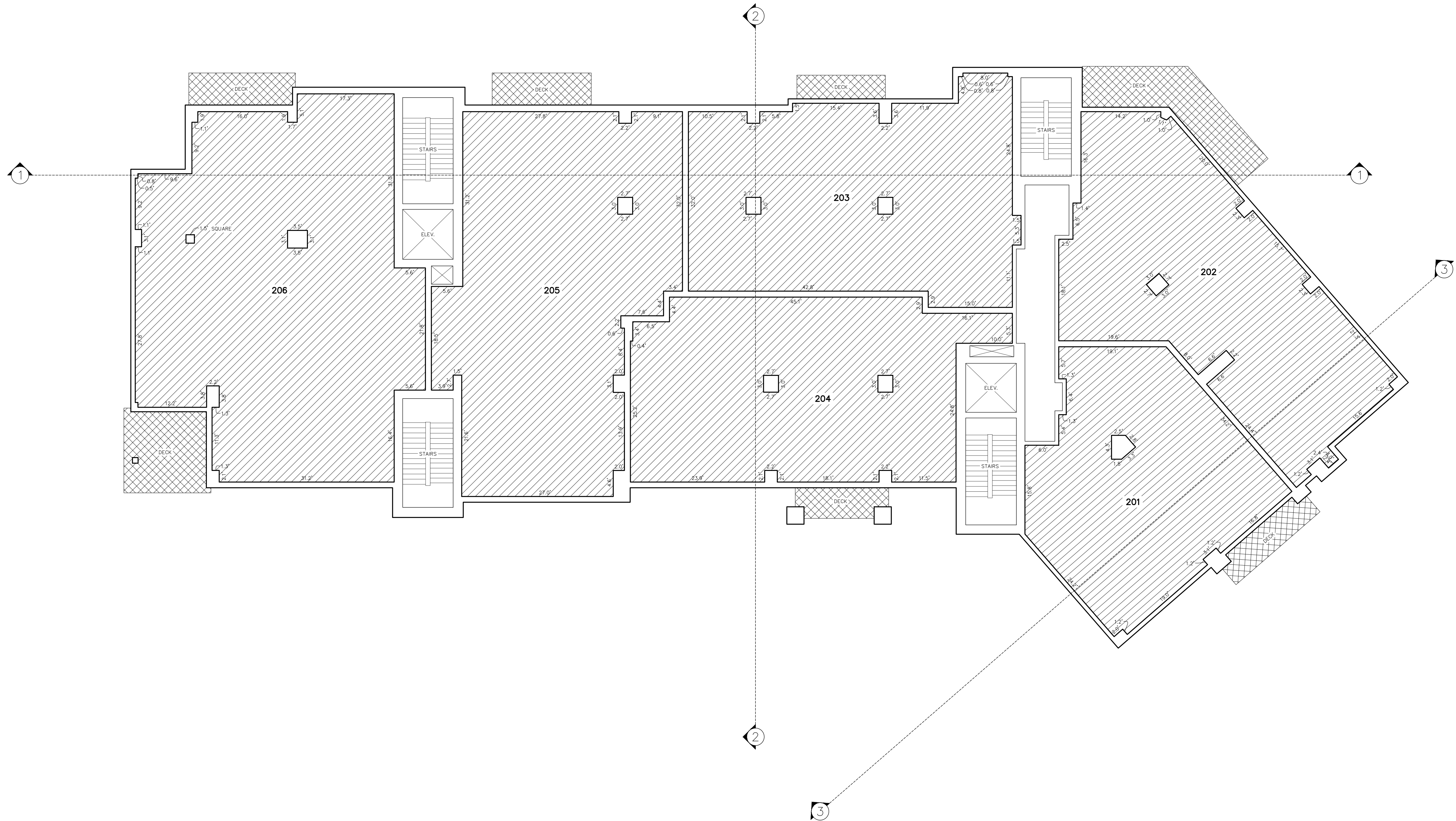
RECORDED

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

____ FEE _____ RECORDER
TIME _____ DATE _____ ENTRY NO. _____

LEVEL 2
SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
201	1,506 SF
202	1,978 SF
203	1,981 SF
204	1,894 SF
205	2,413 SF
206	2,897 SF



ABBREVIATION LEGEND

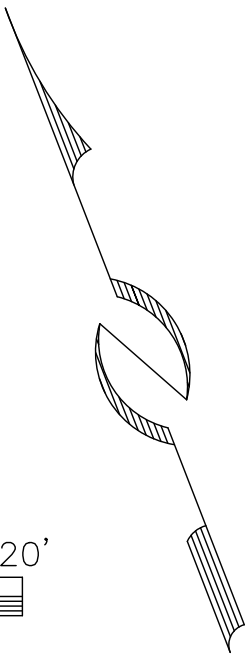
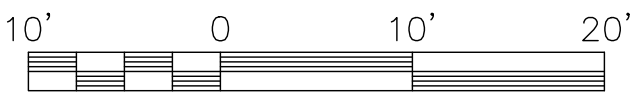
ELEV. = ELEVATOR
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OWNERSHIP LEGEND

- COMMON
- LIMITED COMMON
- PRIVATE OWNERSHIP

LEVEL 2

ARGENT AT EMPIRE PASS CONDOMINIUMS
A UTAH CONDOMINIUM PROJECT
LOCATED IN THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
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PARK CITY, SUMMIT COUNTY, UTAH



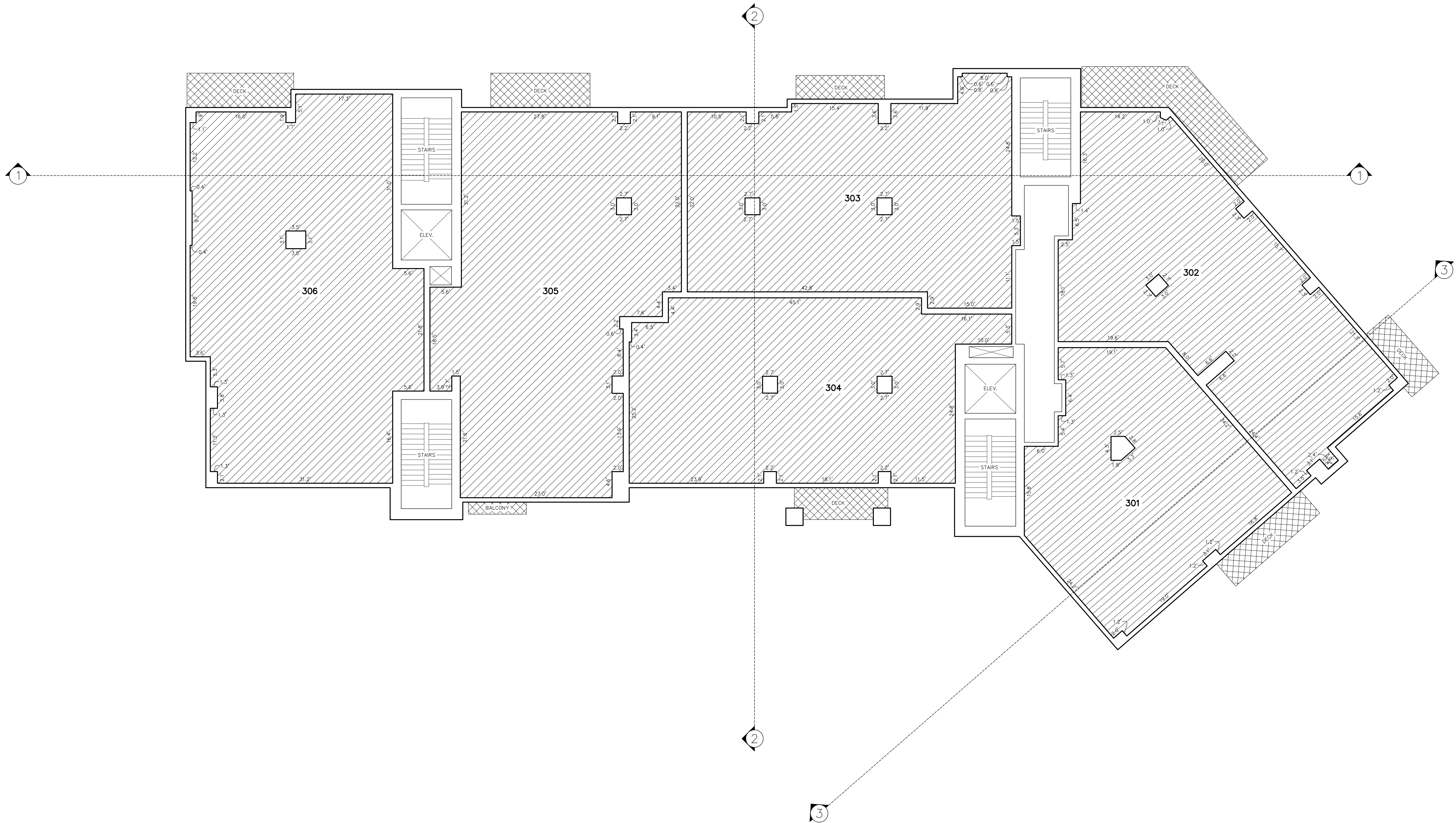
RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
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FEE _____ RECORDER _____
TIME _____ DATE _____ ENTRY NO. _____

LEVEL 3
SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
301	1,506 SF
302	1,978 SF
303	1,981 SF
304	1,894 SF
305	2,413 SF
306	2,450 SF



LEVEL 3

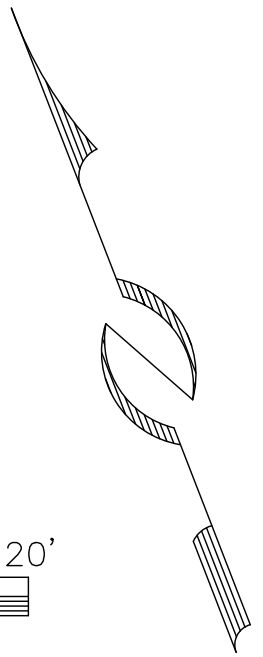
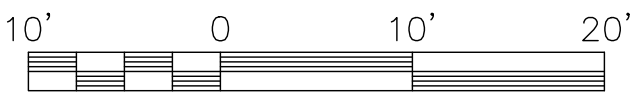
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OWNERSHIP LEGEND

- COMMON
- LIMITED COMMON
- PRIVATE OWNERSHIP

ARGENT AT EMPIRE PASS CONDOMINIUMS
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SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



JOB NO.: 6-3-19 FILE: X:\Empire\dwg\sr\plat2019\060319-Argent.dwg 11/22/19 SHEET 6 OF 10

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED

AT THE REQUEST OF _____

FEE _____ RECORDER _____

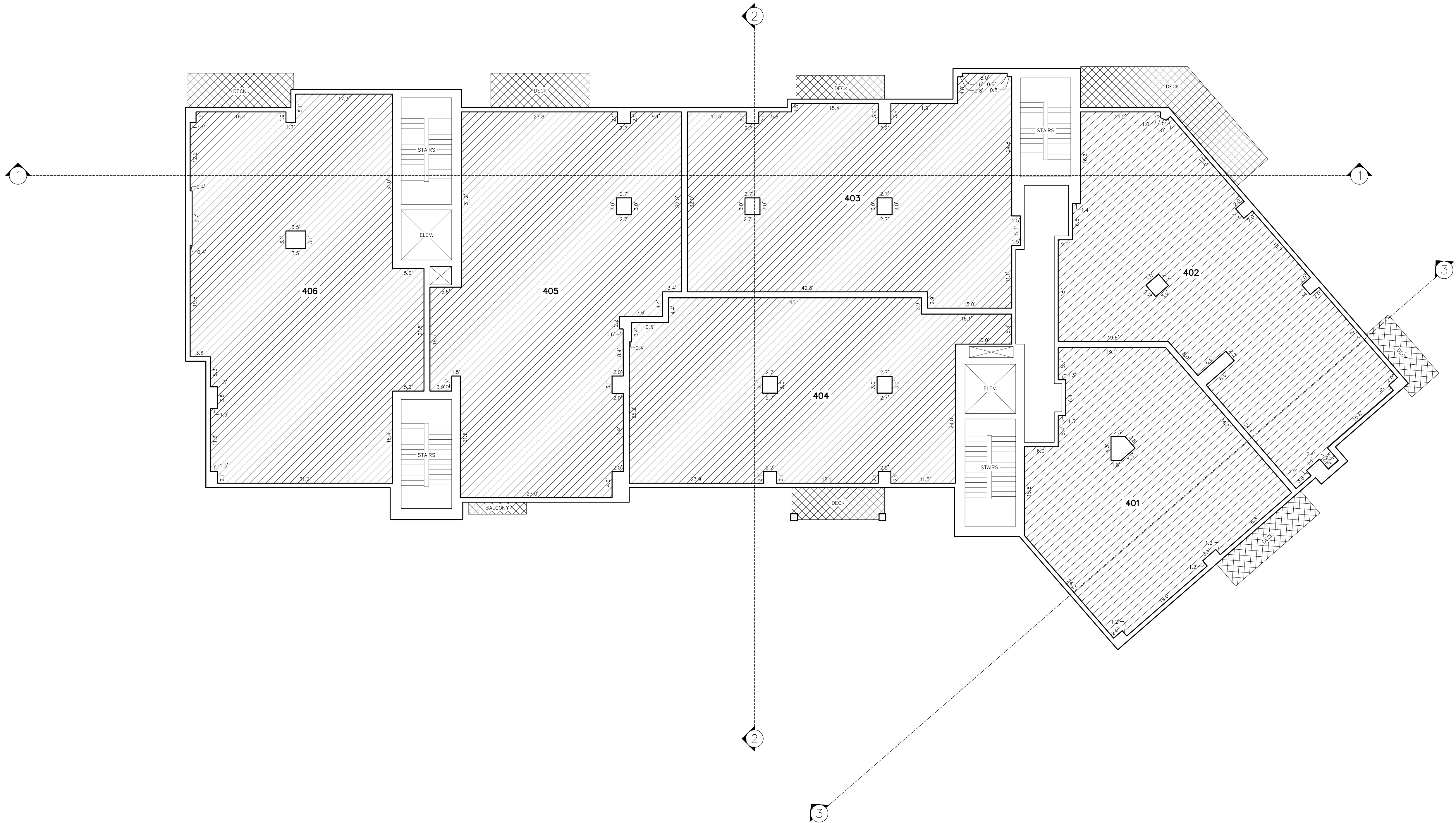
TIME _____ DATE _____ ENTRY NO. _____

(435) 649-9467

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

LEVEL 4
SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
401	1,506 SF
402	1,978 SF
403	1,981 SF
404	1,894 SF
405	2,413 SF
406	2,450 SF



LEVEL 4

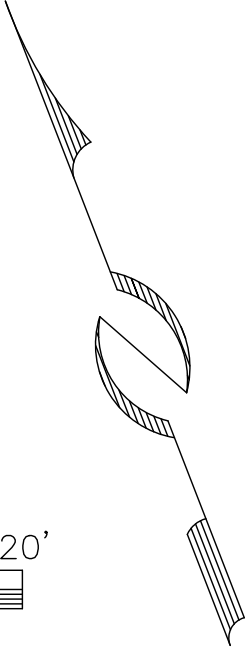
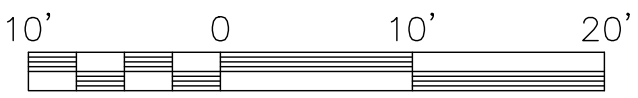
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OWNERSHIP LEGEND

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JOB NO.: 6-3-19 FILE: X:\Empire\dwg\sr\plat2019\060319-Argent.dwg

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED

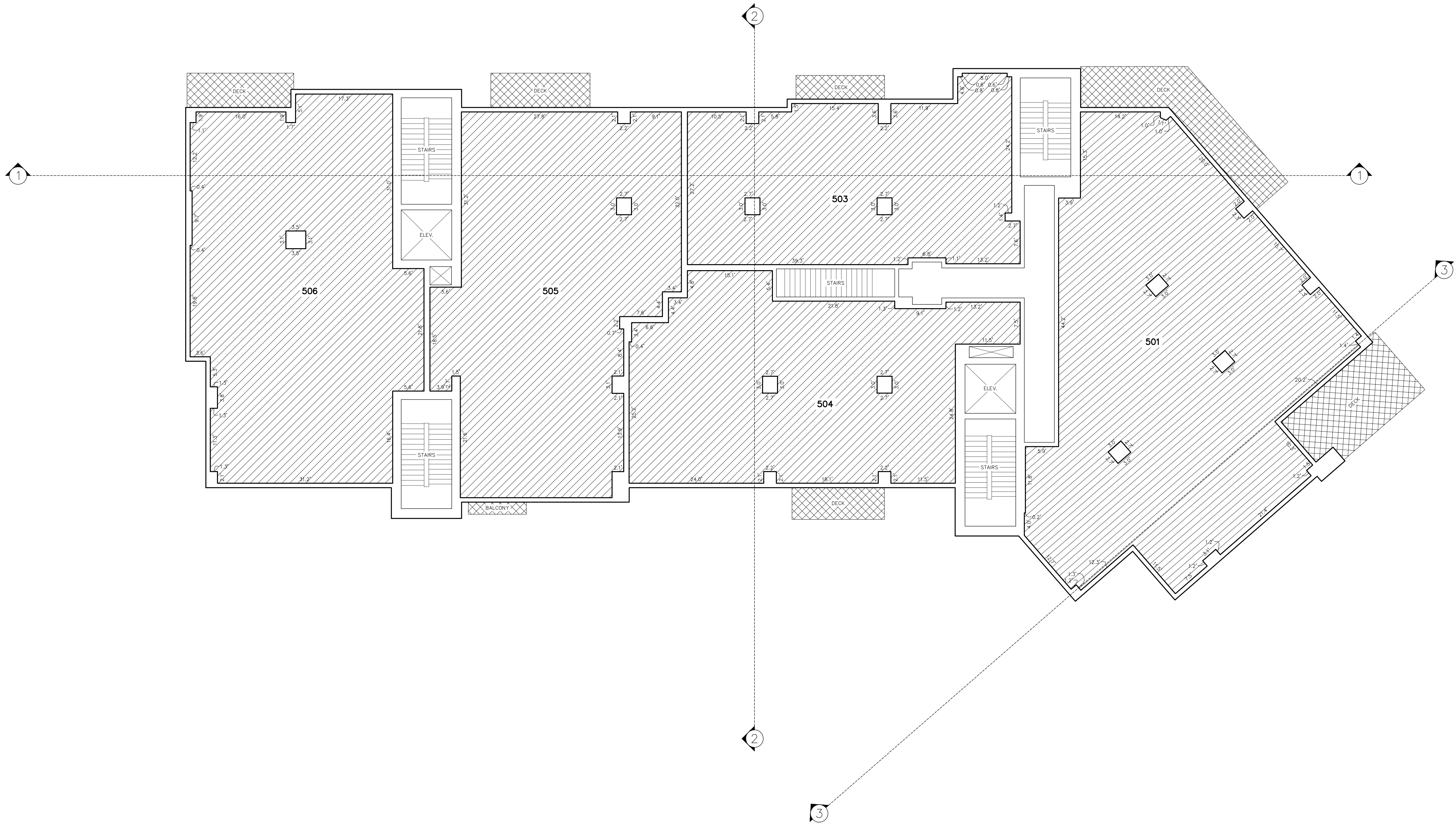
AT THE REQUEST OF _____

_____ FEE _____ RECORDER

TIME _____ DATE _____ ENTRY NO. _____

LEVEL 5
SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
501	3,207 SF
503	1,649 SF
504	1,986 SF
505	2,415 SF
506	2,450 SF



ABBREVIATION LEGEND

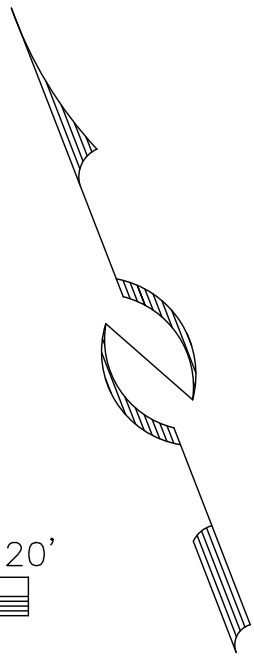
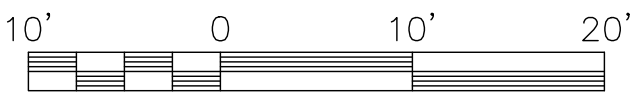
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OWNERSHIP LEGEND

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LEVEL 5

ARGENT AT EMPIRE PASS CONDOMINIUMS
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PARK CITY, SUMMIT COUNTY, UTAH



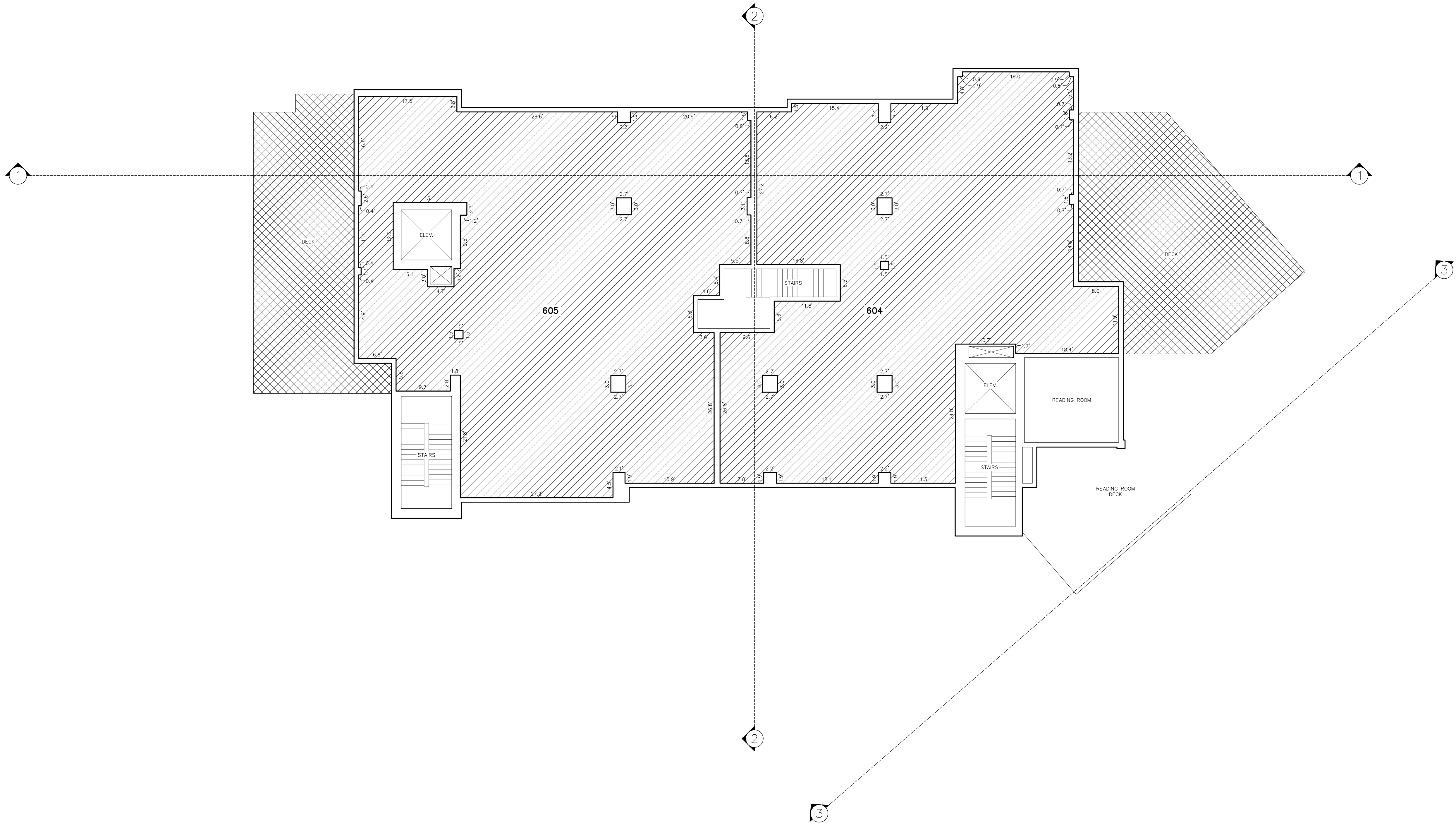
RECORDED

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

FEE _____ RECORDER _____
TIME _____ DATE _____ ENTRY NO. _____

LEVEL 6
SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
604	3,524 SF
605	3,927 SF



ABBREVIATION LEGEND

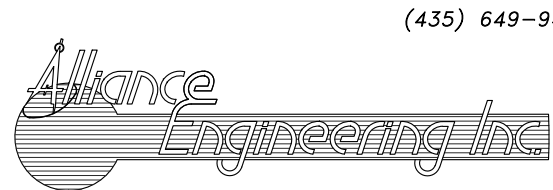
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S.U. = STORAGE UNIT

OWNERSHIP LEGEND

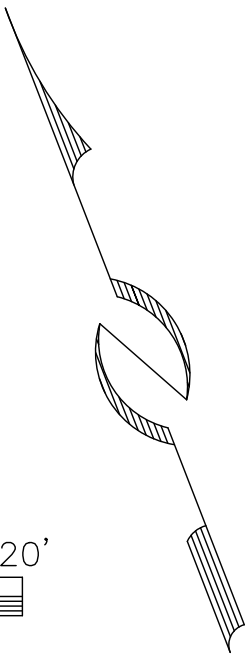
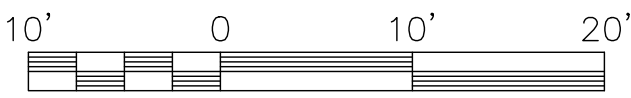
- COMMON
- LIMITED COMMON
- PRIVATE OWNERSHIP

LEVEL 6

ARGENT AT EMPIRE PASS CONDOMINIUMS
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PARK CITY, SUMMIT COUNTY, UTAH



CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664



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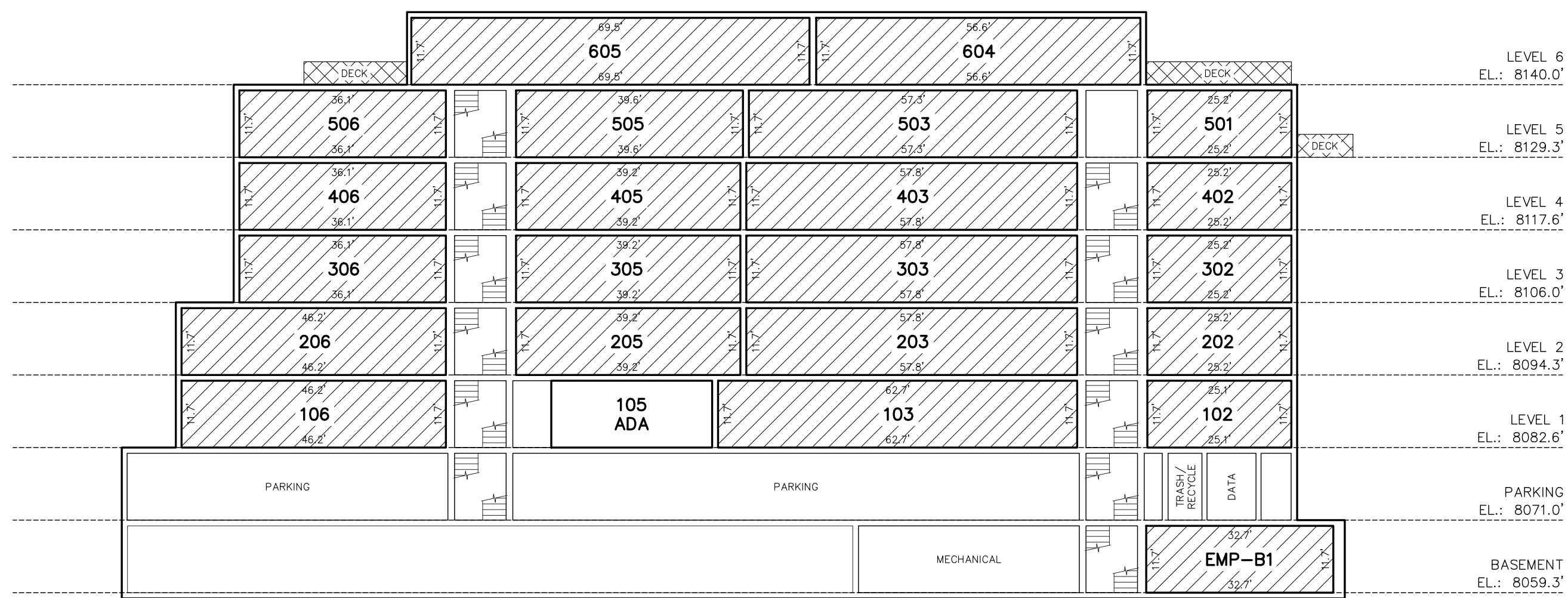
RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED

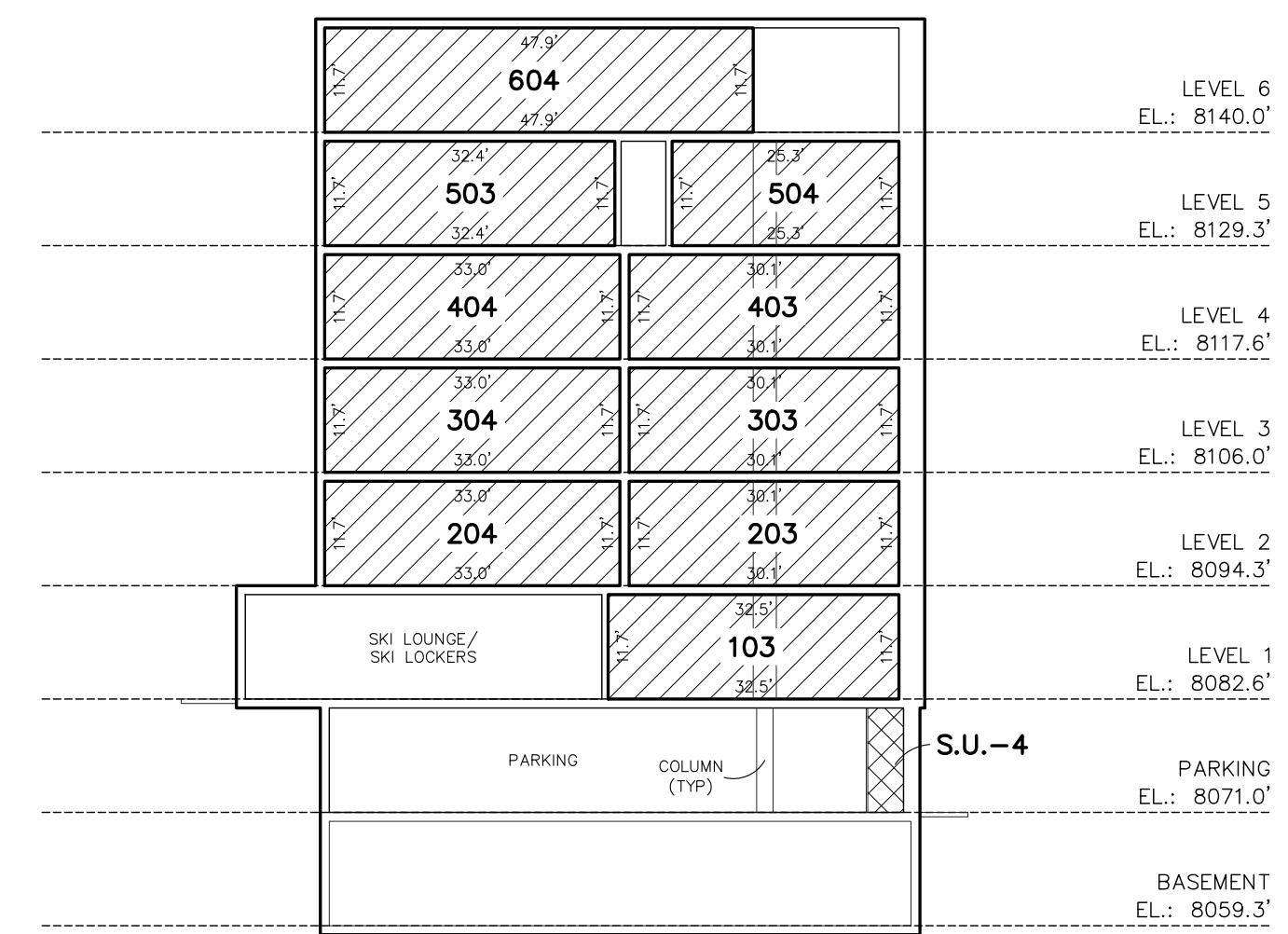
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FEE _____ RECORDER _____

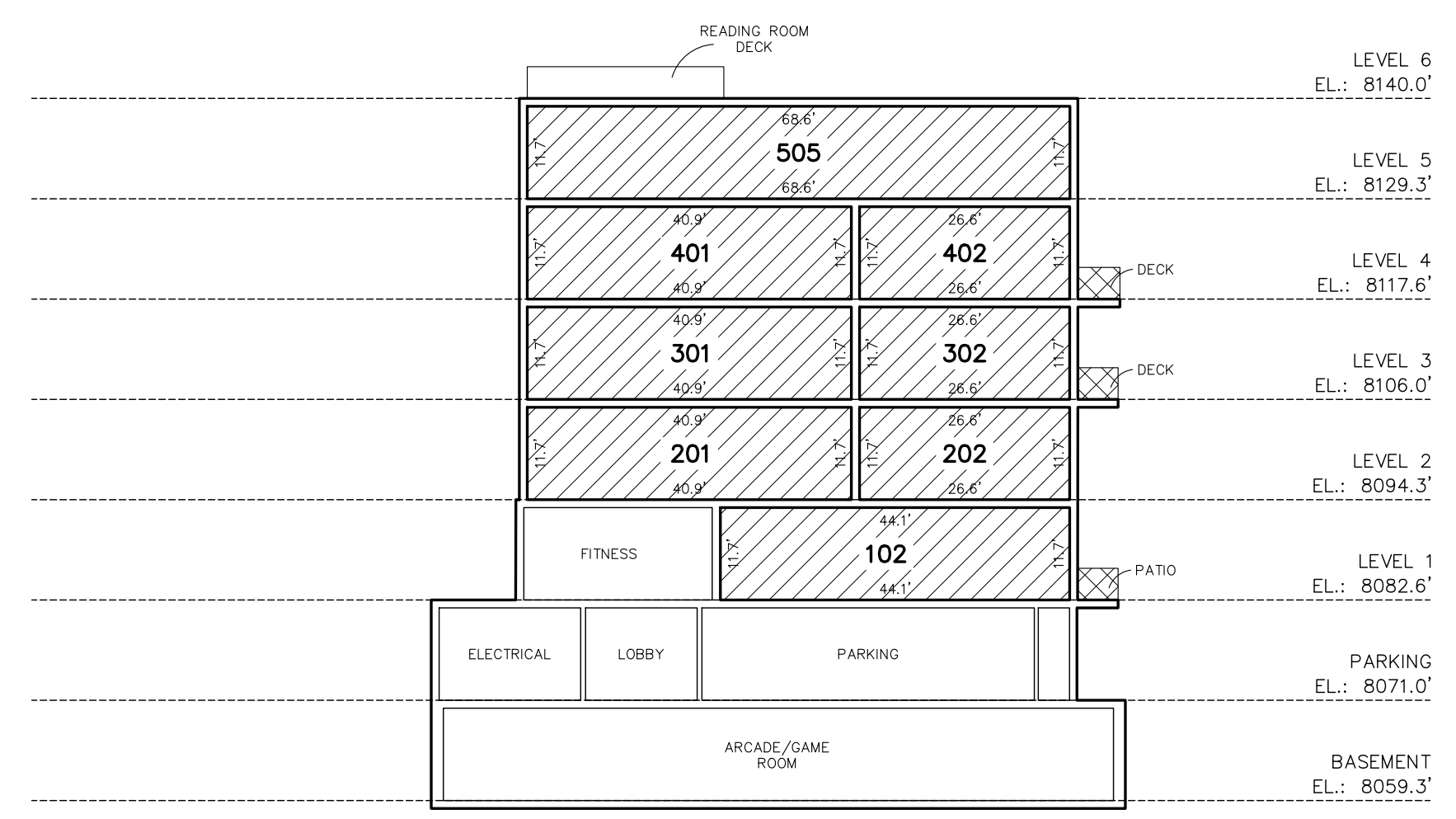
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SECTION 1



SECTION 2



SECTION 3

ABBREVIATION LEGEND

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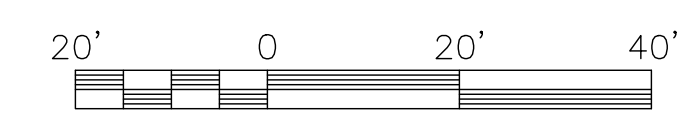
OWNERSHIP LEGEND

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ARGENT AT EMPIRE PASS CONDOMINIUMS

A UTAH CONDOMINIUM PROJECT

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



JOB NO.: 6-3-19 FILE: X:\Empire\dwg\sr\plat2019\060319-Argent.dwg

RECORDED

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

____ FEE _____ RECORDER
TIME _____ DATE _____ ENTRY NO. _____

Lot 2 – Empire Pass North, LLC

PO Box 682023
Park City, Utah 84060
Phone: 435.714.0267
E-Mail: bfiveash@ewpartners.com

To: Park City Planning
From: Bill Fiveash OBO Lot 2 Empire Pass North, LLC
Date: July 16, 2019
Re: VEPNS-2 : CUP Written Statement

Memo

Lot 2 - Empire Pass North LLC is seeking a Conditional Use Permit for the development and construction of a residential building on Lot 2 at Empire Pass North. The site is part of the land subject to the Amended and Restated Development Agreement for Flagstaff Mountain recorded in March 2007 which granted the Developer/Owner of the property a Large Scale Master Planned Development. This application seeks to move forward the approvals as required in the development agreement to the level considered a Small Scale Master Plan, for which, we believe a CUP is required.

Lot 2 - Empire Pass North LLC is proposing to build a 107,222 SF structure consisting of 28 residential for sale properties (Not exceeding 64,000 SF), 1 Accessible Unit as required by town code (1 ADA Unit), 2 Employee Housing Unit (2 EHU Unit), 39 total parking spaces, and various Residential Accessory Uses as defined in the Development Agreement.

Below are answers to specific questions required in the CUP Application:

How will the proposed use "fit-in" with surrounding uses?

The development of a resort style condominium property was specifically contemplated for this site within the previously granted MPD. The proposed building fits the approved massing and square footage allowances per previous approvals.

What type of service will it provide to Park City?

The property is part of the resort residential development of Empire Pass Village.

Is the proposed use consistent with the current zoning district and with the General Plan?

The proposed development is consistent with the Development Agreement recorded in March 2007 for Flagstaff Mountain.

Is the proposed use similar or compatible with the other uses in the same area?

Yes, the proposed property has received preliminary approval from the Empire Pass HOA Design Review Board as being compliant with the expected design and use of the property.

Is the proposed use suitable for the proposed site?

Yes, the proposed property fits within the prescribed massing and maximum SF.

Will the proposed use emit noise, glare, dust, pollutants, and odor?

The proposed use is similar in design to the other condominium buildings in Empire Pass Village. There are no extraordinary uses or mechanical systems that one would expect to produce any emissions dissimilar to the other existing properties.

RECEIVED

JUL 22 2019

PARK CITY
PLANNING DEPT.

What will be the hour of operation and how many people will be employed?

As a residential property, it is expected to be occupied during all hours of the day. The developer is proposing to have Deer Valley Lodging operate the HOA and thus will employ at least one FTE employee as a lodge keeper, plus other support employees from existing staff of DV Lodging.

Are other special issues that need to be mitigated?

No.

RECEIVED

JUL 22 2019

PARK CITY
PLANNING DEPT.

TES:

This plot is subject to the Conditions of Approval in Ordinance 2017-_____.
The position of the north ¼ corner of Section 28, Township 2 South Range 4 East SLBM, as shown on this survey, is from the dependent re-survey of Section 28, 29, 31, 22 & 33 performed by Robinson, Blehn & Blehn Inc. in 2000 (Rec.# S-3819, Summit County Recorder's Office).

Conditional use permit approval will be required prior to construction on each of the development lots shown hereon.
A declaration of condominium and a record condominium map will be required for the purpose of the sale of individual units within the development lots shown hereon.

The lots described on this plot are subject to the Restated Development Agreement for Flagstaff Mountain, Bonanza Flat, Richardson Flat, the 20-Acre Quinn's Junction Parcel and Iron Mountain dated as of May 2, 2007, and recorded on March 2, 2007, as Entry No. 00806100 in Book 1850, Page 1897 (the "Development Agreement"). By separate Declaration of Payment and Development Covenants, recorded October 4, 2016, as Entry No. 01055133 in the official records of the Summit County Recorder, as amended, Lot 3 has been allocated the right to develop 24.5 Unit Equivalents within no more than 21 dwelling units and the obligation to locate 1.1 Affordable Unit Equivalents thereon, as each of those capitalized terms is defined in the Development Agreement. Lot 2 has been allocated the obligation to locate 2.0 Affordable Unit Equivalents thereon and Lot 1 has no on-site affordable housing obligations. The allocation of Unit Equivalents to Lot 2 and Lot 1 may be done at a future date by a separate recorded document. No Unit Equivalents will be allocated to Lot 4, which is to be used in connection with resort and similar activities. No lot within this plot has been allocated any commercial Unit Equivalents.

The Empire Pass Master Owners Association, Inc. (the "Master Association") together with the Master Declaration of Covenants, Conditions, and Restrictions of Empire Pass, as amended ("Master Declaration"), requires the membership of each lot or unit owner. Members are subject to the terms of its articles of incorporation, bylaws, rules and regulations and other governing documents that may be established from time to time by the Master Association, including assessments and reinvestment fees as provided therein.

Owners and potential buyers of any unit or land within the lots depicted on this plot are given notice that they own or are buying property in a resort area in which all-season resort activities are conducted and where certain risks are present, including, without limitation, damage to property and improvements and personal injury and death caused by errant skiers, mountain bikers and other resort patrons, equipment, machine-made snow, heavy equipment, construction or improvements of facilities, objects or equipment falling from lifts, water runoff, drainage, heavy snow, falls, wind patterns, and other conditions that may affect the properties depicted hereon. The adjacent ski resort and its facilities are not amenities of any master association but are owned by a private resort and access to such lands and facilities is governed by such covenants or agreements with such owner.

The owner of Lot 3 hereby grants a non-exclusive resort and access easement over the approximately west twenty feet (20') of Lot 3, as depicted on this plot as the "Cable UDOT Setback" for the benefit of Lot 4 to allow ski lift maintenance access and the right to conduct resort activities, including to locate movable safety fences.

This plot also depicts the following easements, each of which may be amended, relocated or revised, without amendment hereto, in accordance with each such easement's terms:

- a. Agreement and Covenant of Cooperation (Ski Access/Storm Drainage), Entry No. 665956, Summit County Recorder's Office which affects Lot 2 and Lot 3 of this plot.
- b. Right-Of-Way and Easement Grant (Gas Utility), Entry No. 755686, Summit County Recorder's Office, potentially affects Lot 2 and Lot 3.
- c. Grant of Access Easement (Sewer Utility), Entry No. 850350, Summit County Recorder's Office, affects Lot 2.
- d. Grant of Easement (Sewer Utility), Entry No. 716688, Summit County Recorder's Office, affects Lot 2.
- e. Grant of Easement (Storm Drain Facilities), Entry No. 716459, Summit County Recorder's Office, affects Lot 3.
- f. Reciprocal Easement Agreement (Resort and Access) to be recorded in advance of or contemporaneously with this plot in the Summit County Recorder's Office, affects Lot 2, Lot 3 and Lot 4, and describes the use of Easement Area A, Easement Area B, Easement Area C and Easement Area D.

Public safety access and public utility easements are hereby dedicated for all public and private roadways and emergency access roads.

The property is located within a water source protection zone. All sewer construction must comply with the State of Utah drinking water regulations.

A ten foot (10') wide snow storage easement is hereby dedicated to the Master Association along the frontage of all lots.

Wastewater service to the Village at Empire Pass North Subdivision shall be provided by the Snyderville Basin Water Reclamation District. A Line Extension Agreement with the District may be required for Lots 1 & 2. It shall be the responsibility of the Owner of each lot to extend the public wastewater system within the lot being developed according to the requirements of the Line Extension Agreement.

Village Way is a private road to be owned, operated, maintained and repaired by the Master Association for the use and benefit of the owners of property in Empire Pass at Deer Valley in accordance with the Master Declaration. Village Way is not a public road or right-of-way.

A UDOT Conditional Access Permit or city permit, depending upon the ownership of Marsoc Avenue, will be required prior to construction on Lot 1 and for vehicle access to Lot 2 directly from Marsoc Avenue.

Fire sprinklers will be required within all dwellings constructed on the lots.

Ski Easement Note: 5' Ski and Pedestrian Easement in favor of Lot 4 for resort operations and trail maintenance and for purpose of providing property owners, invitees and guests of One Empire Pass Condominium with ski and pedestrian access to and from adjoining skiways.

Ski Buffer Note: 10' Skiway Buffer Zone in favor of Lot 4 providing that without prior written consent of owner of Lot 4:

- a. no above-ground building or landscaping obstructions may be constructed in the Skiway Buffer Zone.
- b. no trees or other above-ground landscaping obstructions may be maintained in the Skiway Buffer Zone.

The owner of Lot 2 hereby grants a non-exclusive resort and access easement over the western edge of the property as depicted on this plot as the "5' Wide Ski Easement". This easement is for the benefit of Lot 4 for resort operations and trail maintenance and for the benefit of VEPWS Lot 15 property owners, invitees and guests for purposes of ski and pedestrian access.

The owner of Lot 2 hereby grants a non-exclusive easement near the western edge of the property as depicted on this plot as the "10' Skiway Buffer Zone". This easement is for the benefit of Lot 4 providing that without prior written consent of owner of Lot 4 no above-ground building, trees or other landscaping obstructions may be constructed or maintained in the Skiway Buffer Zone.

At the time of plot recording, Lot 1 includes lands within the Empire Village MPD in the RD Zone and additional lands within the ROS Zone on Lot 1 shall conform to requirements of applicable zoning regulations for the different portions on the property.

(435) 649-9467



TATVO ENGINEERS LAND PLANNERS SURVEYORS
11 Street P.O. Box 2664 Park City, Utah 84060-2664

VILLAGE AT EMPIRE PASS NORTH SUBDIVISION

LOCATED IN THE SOUTH HALF OF SECTION 21 & THE NORTH HALF OF SECTION 28
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

v:\mp JOB NO.: 12-2-16 FILE: X:\Empire\dwg\arr\plot2016\120216-VAEP North Sub

RECORDED		
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED		
AT THE REQUEST OF _____		
DATE _____	TIME _____	ENTRY NO. _____
FEE _____		RECORDER _____

Exhibit D

[Village at Empire Pass Planned Development \(VEP MPD\) approval \(link\)](#)

Exhibit E

[Flagstaff Development Agreement \(link\)](#)

Exhibit F

[Technical Reports \(link\)](#)



City Council Staff Report

Subject: Lilac Hill Condominiums at 632 Deer Valley Loop
Author: Alexandra Ananth, Senior Planner
Date: December 5, 2019
Type of Item: Administrative – Condominium Plat

PLANNING DEPARTMENT

Project Number:	PL-19-04308
Applicant:	Lilac Hill, LLC
Location:	632 Deer Valley Loop
Zoning:	Residential-Medium Density (RM)
Adjacent Land Uses:	Residential—Single family, duplex, and multi-family dwellings, and Open Space
Reason for Review:	Condominium Plats require Planning Commission review and City Council approval

Recommendation

Staff recommends the City Council hold a Public Hearing for the Lilac Hill Condominiums Plat located at 632 Deer Valley Loop and consider granting the requested Condominium Plat based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the attached Ordinance.

Executive Summary

The subject property was subdivided under [Ordinance 2018-04](#) which created two (2) legal lots of record, Lot 1A and Lot 1B, each with a Duplex Dwelling, for a total of four (4) dwelling units (including the existing historic house at 632 Deer Valley Loop). The four units are currently under construction. Upon completion of construction the applicant intends to sell the units as Condominiums and is proposing to create a Condominium Plat that incorporates the two lots so that the four (4) dwelling units can be sold as Condominiums in accordance with the Park City Land Management Code. The Planning Commission held a Public Hearing on November 13, 2019, and voted unanimously to forward a positive recommendation to the City Council.

Background

The Lilac Hill Subdivision was originally approved by the Park City Council on October 20, 2016, as [Ordinance 16-32](#) and created one lot of record from Government Lot 26. The property was then sold to Lilac Hill LLC, and the new owner subdivided the parcel

in order to create two (2) legal lots of record, Lot 1A and Lot 1B, each with Duplex Dwelling (for a total of four (4) dwelling units including the existing historic house at 632 Deer Valley Loop) currently being constructed on each lot. Lot 1A contains the historic house plus an additional dwelling unit, both with an address of Deer Valley Loop (632 and 634 Deer Valley Loop). Lot 1B, with two new dwelling units, has an address on Rossie Hill Drive (611-613 Rossie Hill Drive). The applicant is proposing to create a Condominium Plat consisting of four (4) dwelling units in accordance with the Park City Land Management Code.

632 Deer Valley Loop is listed on Park City's Historic Sites Inventory (HSI) and is designated as a Significant Site. The original house on the property was constructed c.1900 during the Mature Mining Era (1894-1930) by George and Elizabeth Thompson. The early twentieth century Sanborn Fire Insurance Maps show that this site was part of a much denser neighborhood comprised of approximately fourteen (14) structures. Of these, only four (4) structures remain today.

This property has had a long history. The house was initially constructed on mining claims, which came to be held by the Bureau of Land Management (BLM). At the time of its construction, it consisted of a two-room cottage; however, between 1912 and 1918, it was expanded to a four-room cottage. Then in c.1969, the house was remodeled. The property was purchased by William and Juli Bertagnole in 1981 from Harold and Mary Dudley. On May 17, 1999, a fire severely damaged the rear addition of the structure. The Bertagnoles did not make repairs following the fire. The BLM granted the Bertagnoles a land patent for ownership of the parcel on May 2, 2013.

The Bertagnoles finalized their sale of the property to 632 DVL, LLC in February 2016. On April 26, 2016, the City received a subdivision application for the Lilac Hill Subdivision. It was approved by the Park City Council on October 20, 2016, as [Ordinance 16-32](#).

The property was sold to the current owners, Lilac Hill LLC, in March 2017 who subdivided the property into two (2) lots as the Lilac Hill Subdivision – First Amended, which was recorded June 7, 2018 ([Ordinance 2018-04](#)). The same owner is now proposing to create a Condominium Plat consisting of four (4) Condominium units.

Alternatives

- The City Council may conduct a public hearing, discuss the proposal and approve the Lilac Hill Condominiums Plat as conditioned or amended. **This is Staff's recommendation.**
- The City Council may deny the Lilac Hill Condominiums Plat and direct staff to make Findings for this decision.
- The City Council may continue this item to a date certain and request additional information in order to take final action.

Exhibits

Ordinance

Exhibit A – [Link to Staff Report for November 13, 2019 Planning Commission Meeting](#)

Exhibit A Ordinance No. 2019-59

AN ORDINANCE APPROVING THE LILAC HILL CONDOMINIUMS PLAT AT 632 DEER VALLEY LOOP

WHEREAS, the owner of the property located at 632 Deer Valley Loop have petitioned the City Council for approval of a Condominium Plat; and

WHEREAS, on October 30, 2019, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on October 26, 2019, proper legal notice was published according to requirements of the Land Management Code and courtesy letters were sent to surrounding property owners; and

WHEREAS, the Planning Commission held a public hearing on November 13, 2019, to receive input on the Condominiums Plat; and

WHEREAS, the Planning Commission, on November 13, 2019, forwarded a positive recommendation to the City Council; and,

WHEREAS, on November 21, 2019, the City Council held a public hearing to receive input on the Condominiums Plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Lilac Hill Condominiums Plat at 632 Deer Valley Drive.

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

SECTION 1. APPROVAL. The Lilac Hill Condominiums Plat, 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 632 Deer Valley Loop and Rossie Hill Drive.
2. The property consists of the Lilac Hill Subdivision – First Amended, Lot 1A and Lot 1B, each with a Duplex Dwelling currently under construction.
3. The applicant is creating a Condominium Plat that incorporates the two lots so that the four (4) dwelling units can be sold as individual Residential Condominiums creating the Lilac Hill Condominiums.
4. The property is located in the Residential-Medium Density (RM) District.
5. 632 Deer Valley Loop is listed on Park City's Historic Sites Inventory (HSI) and is designated as Significant.
6. Single-family, duplex, and triplex dwellings are allowed uses in this zone.

7. The four units have received Historic District Design Review and Approval.
8. Existing access to the Lot 1A is limited to a driveway from Deer Valley Loop.
9. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance).
10. All Conditions of Lilac Hill Subdivision – First Amended, approved as Ordinance 2018-04 shall continue to apply and remain in full force and effect.
11. 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 Condominium Plat as it will allow for the sale of the four (4) units as Residential Condominiums.
2. The Condominium Plat is consistent with the Park City Land Management Code including Sections 15-4-12, 15-7.1-3(C) and 15-12-15(B)(9) and applicable State Law regarding Condominium Plats.
3. Neither the public nor any person will be materially injured by the proposed Condominium Plat.
4. Approval of the Condominium Plat, 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 Planner, City Attorney, and City Engineer will review and approve the final form and content of the Condominium Plat for compliance with State Law, the Land Management Code, and the Conditions of Approval, prior to recordation of the Plat.
2. The applicant will record the Plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' 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. Lots 1A and 1B of the Lilac Hill Subdivision – First Amended shall not be further subdivided in the future.
4. Any new development on this lot shall not block the view of the historic house from the 632 Deer Valley Loop and Deer Valley Drive rights-of-way.
5. A ten foot (10') wide public snow storage easement is required along the Rossie Hill frontage of the property.
6. Driveway access shall be limited from Deer Valley Loop and Rossie Hill Drive. The new lot facing Rossie Hill Drive shall only be accessible from the eastern half of the Rossie Hill frontage where the property line directly abuts the City right-of-way. The slope of the access off of Rossie Hill Drive shall be no more than 5% for the first 20 feet of driveway off of the right-of-way to maintain sight lines. Access to Lot 1 B shall be limited to a shared driveway accessible from Rossie Hill Drive.
7. The property owner has agreed to finance the cost of a pedestrian staircase to the west of the subject property, linking Rossie Hill to Deer Valley Loop, at his cost up to \$75,000. The stairs shall be constructed at cost to the applicant prior to a Certificate of Occupancy (CO) for the dwelling units on Lot 1B. Should the stairs not be constructed prior to CO, the applicant shall post a guarantee or bond for the construction of the stairs. If the BLM does not grant the easement for the pedestrian

staircase, the applicant's guarantee or bond shall sunset within 36 months of Certificate of Occupancy on the Condominium project.

8. All conditions of the Lilac Hill Subdivision – First Amended, approved as Ordinance 2018-04, continue to apply and shall be noted on this Plat.

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

PASSED AND ADOPTED this 21 day of November 2019.

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, MAYOR

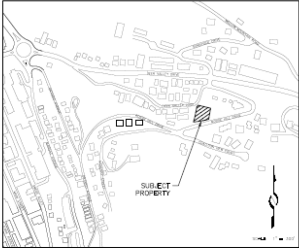
ATTEST:

City Recorder

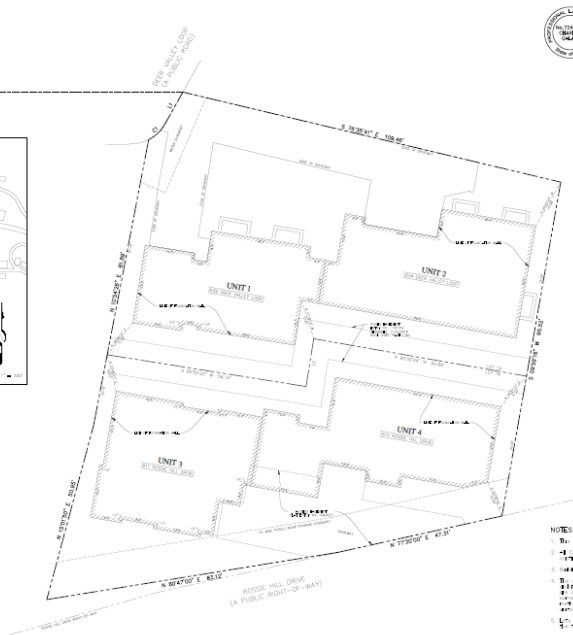
APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Lilac Hill Condominiums Plat



VICINITY MAP



UNIT 1
UNIT 2
UNIT 3
UNIT 4

UNIT 1 1,000 S.F. (10' x 100')

UNIT 2 1,000 S.F. (10' x 100')

UNIT 3 1,000 S.F. (10' x 100')

UNIT 4 1,000 S.F. (10' x 100')

PLANNING COMMISSION

APPROVED BY THE PLANNING COMMISSION ON _____

DATE OF _____ 2019

ENGINEER'S CERTIFICATE

I, _____, a duly licensed Professional Engineer in the State of Utah, do hereby certify that the foregoing plat is a true and correct representation of the actual survey and conditions of the property as shown on the ground.

DATE OF CERTIFICATE _____ 2019

BY _____

APPROVAL AS TO FORM

APPROVED AS TO FORM BY _____

DATE OF _____ 2019

BY _____

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL ON _____

DATE OF _____ 2019

BY _____

CERTIFICATE OF ATTEST

I, _____, the Recording Clerk of the County of Summit, Utah, do hereby certify that the foregoing plat is a true and correct representation of the actual survey and conditions of the property as shown on the ground.

DATE OF CERTIFICATE _____ 2019

BY _____

RECORDED

AT THE OFFICE OF THE COUNTY CLERK OF SUMMIT COUNTY, UTAH, ON _____

DATE _____ 2019

BY _____

LILAC HILL CONDOMINIUMS

A UTAH CONDOMINIUM PROJECT
LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERIDIAN,
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 1

SYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SUBDIVISION MAP ACT AND RULES DATE OF REVIEW _____ 2019 BY _____	PLANNING COMMISSION APPROVED BY THE PLANNING COMMISSION ON _____ DATE OF _____ 2019 BY _____	ENGINEER'S CERTIFICATE I, _____, a duly licensed Professional Engineer in the State of Utah, do hereby certify that the foregoing plat is a true and correct representation of the actual survey and conditions of the property as shown on the ground. DATE OF CERTIFICATE _____ 2019 BY _____	APPROVAL AS TO FORM APPROVED AS TO FORM BY _____ DATE OF _____ 2019 BY _____	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL ON _____ DATE OF _____ 2019 BY _____	CERTIFICATE OF ATTEST I, _____, the Recording Clerk of the County of Summit, Utah, do hereby certify that the foregoing plat is a true and correct representation of the actual survey and conditions of the property as shown on the ground. DATE OF CERTIFICATE _____ 2019 BY _____	RECORDED AT THE OFFICE OF THE COUNTY CLERK OF SUMMIT COUNTY, UTAH, ON _____ DATE _____ 2019 BY _____
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Exhibit A

[Link to Staff Report for November 13, 2019 Planning Commission Meeting](#)

Council Agenda Item Report

Meeting Date: December 5, 2019

Submitted by: Jenny Diersen

Submitting Department: Sustainability

Item Type: Staff Report

Agenda Section:

Subject:

Discuss Park Silly Sunday Market Two-Year Contract Renewal Request
(A) Public Input

Suggested Action:

Attachments:

[PSSM Renewal Request Staff Report](#)

[Exhibit A: PSSM Proposed Term Sheet and Letter of Intent](#)

City Council Staff Report

Subject: Park Silly Sunday Market (PSSM) Request to Two Year Contract Extension
Author: Jenny Diersen, Special Event & Economic Dev. Program Manager
Department: Economic Development
Date: December 5, 2019
Type of Item: Work Session

Summary

Provide direction on the option for a two year extension of the PSSM contract for 2021 and 2022. Should Council agree with terms as outlined, staff intends to return to the December 19 meeting for approval.

Background

There is a long and positive history regarding the evolution of PSSM. Per section B.2 of [the current contract](#), the Agreement shall renew for an additional two years (2021 and 2022), provided both parties execute written notice of consent to renew by March 1, 2020. It is important to also acknowledge [Council's standing policy to better manage events \(summary here\)](#), approved September 2018.

Overview Analysis

PSSM is an important event that helps promote local businesses, create vibrancy, community and culture. They are one of the most professional event organizers and work hard to minimize residential and business impacts. In addition, PSSM is arguably one of Park City's premier local business incubator and community builders – assisting more than 138 local businesses and providing 53 free nonprofit booths annually. In addition, PSSM continues to support the City's Critical Community Priorities, including:

1. Sustainability – PSSM maintains 80% waste diversion rate or better, and mentor other events and community groups with sustainability efforts;
2. Transportation – PSSM promotes parking outside of the Main Street core, provides free bike valet, and supplements transit options at the High School; and
3. Social Equity – PSSM offers free or affordable booth spaces to showcase local non-profits and community groups.

The current contract includes a joint, two year renewal option, and on November 8, 2019, PSSM provided a letter of intent to exercise said option. HPCA conducted merchant outreach regarding changes and is supportive of the two year extension and minor changes. A summary of such outreach from the November HPCA board packet can be found in Exhibit A. Staff recommends the two year renewal (2021 and 2022) with minor operational contract changes (details in Exhibit A), including:

1. Addressing Date Conflict with Fourth of July in 2021.
 In 2021, PSSM conflicts with 4th of July which is part of their 14 days. The PSSM would like to hold a market or program the afternoon. Staff does not support allowing an additional or incremental date for another Market. Staff recommends allowing PSSM to program lower Main Street after the Parade, as such option allows for there still to be a break weekend later in August.
2. Minor operational changes include:

- a. Reduction of Noise – 75 decibels from 10am-1pm, and 90 decibels from 1pm -5pm. PSSM currently allows music at 90 decibels from 10am-5pm.
- b. Parking - No vendor parking permitted on Park Avenue. Currently vendors are discouraged from parking on Park Avenue.
- c. Bollard Installation – PSSM to continue bollard installation for \$1K per market (\$14K/season). PSSM has performed the work for \$550 per market, but indicate they lose money to pay labor costs. This change is still more cost effective than bringing the City's contractor or requiring City Streets staff.
- d. Pedestrian Management – PSSM will address pedestrian management at Heber and Main Street intersection in coordination with the Police Department, Special Events, and Transit.

Minor operational contract changes indicated above are not to begin until 2021, however, PSSM is prepared to implement such changes during the 2020 season.

Funding

Beginning 2021 season, total City services for PSSM is estimated at \$79,782.

- The City will continue to cover City Services for up to 11 markets (estimated at \$60,500) and will no longer contribute \$15,000 to Sustainability Efforts.
- PSSM will continue to perform Bollard Installation for the event at a value of \$1,000 per market/\$14,000 total for the season.
- Based on the adjustments outlined, it is anticipated that PSSM will pay the City \$5,282 for current level of City Services starting in 2021 season.

Estimated City services are budgeted within department budgets/BFO process in the upcoming year. This will be the first time that PSSM is expected to pay for a portion of City Services (new revenue).

Attachments

Exhibit A: Proposed Term Sheet, HPCA Comments and PSSM Letter of Intent to Extend Contract

Exhibit A: Park Silly Sunday Market Contract Extension Proposed Term Sheet

Terms	City Proposal	PSSM Proposal
Length of Contract	Extend 2 years: 2021 and 2022	In Agreement
Number of Days	14 Sundays, June to September - no PSSM during Arts Fest, Tour of Utah and a no market Sunday. In 2021 when PSSM is on 4th of July, allow PSSM to program lower main street.	In Agreement
Use Area/ Footprint	No Changes Anticipated - Keep at Lower Main Street (Heber to 9th Street), and 5th Street	In Agreement
City Services/ Finacial Support	Reduce Services by \$15,000. Include Bollard Installation at \$1000 per market. City would not make any cash payment, PSSM estimated to pay City \$5,000 in Services annually beginning in 2021.	In Agreement
Measures of Success	No Changes Anticipated - Keep Working Group, Sustainability, Transportation, Vendor Mix	In Agreement
Minor Changes	Reduce Noise, No vendor Parking on Park Avenue, Continue Bollard Installation (at value of \$1,000 per market), Coordinate Pedstrian Management at Heber and Main	In Agreement

HPCA Feedback provided in November Board Packet

PSSM Feedback Process – Alison Kuhlowl

Action Requested: Provide feedback on the proposed process.

The City is seeking HPCA's feedback regarding the Park Silly Sunday Market and extension of their contract to operate on Main Street after 2020. Two open houses were held to receive comments from members. The Events Committee provided a high level of review of the comments received. Two received written comments and notes from the open houses can be viewed – [Java Cow](#), [McMillen Gallery](#), [open house notes](#).

Those members uphill from the Post Office see a significant drop in pedestrian traffic from the market. The HPCA launched an activation program to draw people to the top of the street. The program was launched towards the end of the market's season, so the results were not as anticipated. The HPCA will work to plan activations for summer 2020.

The overall comments regarding the Park Silly Sunday Market after 2020 were positive and a majority want to see the market continue. Concerns continue to remain regarding the event parking rate in China Bridge and the hours of operation. There were members that recalled the original proposal to close the market at 1:00pm to disperse the crowd to all areas of Main Street after the market.



Park Silly Sunday Market
PO Box 684229
Park City, UT 84068

November 8, 2019

This is to certify our intent to extend our current contract thru 2022. This would entail our current contract thru 2020, then having a two-year extension, which is detailed in the current contract.

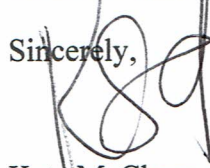
We would like to propose for 2021, July 4th, sharing the street with the parade and having the parade turn onto Heber, then down Park Ave, this would still allow for the 3 weeks off in August.

Please note: The following items have been agreed upon with me in a conversation with Jenny Diersen and I look forward to continuing the conversation.

- Sustainability Funding – per the extension, the city will no longer continue \$15K funding for sustainability efforts.
- Bollards – We will continue installing the bollards on market days. We would like to negotiate a new rate of \$1,000 per market day.
- Noise – request that we keep music to 75 decibels before 1 p.m., at 1, it can go to 90 until 5p.m. We will address as we have that if any complaint is received, even if compliant, music is turned down.
- Parking on Park Ave – We will restrict vendors from parking on park avenue.
- Ped Management – between PD and PSSM, we want to continue looking at this for Heber and Main. We will look into having a volunteer hold pedestrians while vehicles cross. We need management in this area.

Please contact me with any questions or concerns.

Sincerely,


Kate McChesney
Executive Director
kate@parksillysundaymarket.com
435.714.4036

The Park Silly Sunday Market is a 501(c)3 non-profit organization.

Council Agenda Item Report

Meeting Date: December 5, 2019

Submitted by: Jenny Diersen

Submitting Department: Sustainability

Item Type: Staff Report

Agenda Section:

Subject:

Discuss Kimball Art Festival 2020 Change Request

(A) Public Input

Suggested Action:

Attachments:

[2020 Kimball Arts Festival Changes Staff Report](#)

[Exhibit A: Kimball Arts Festival Proposed Changes](#)

City Council Staff Report

Subject: Kimball Art Festival (KAF) 2020 Request for Changes
Author: Jenny Diersen, Special Event & Economic Dev. Program Manager
Department: Economic Development
Date: December 5, 2019
Type of Item: Work Session

Recommendation

Provide direction on proposed changes to the Park City Kimball Arts Festival (KAF), outlined in Exhibit A. While Kimball Art Center (KAC) requests approval of all proposed changes, each change may be considered individually:

1. Free the Festival (free admission) for everyone;
2. Expanding Use Areas throughout Main Street to allow more programming, including:
 - a. City Property – 9th Street
 - b. Private Properties – Summit Watch Plaza & Zoom Patio, including large beer garden with artist booths.
 - c. Change of Festival Layout, a non-material change, requires staff evaluation.
3. Increased City service costs:
 - a. PCKAF requested additional Police to manage Swede Alley traffic estimated at \$5,200;
 - b. Staff determined an estimated increase in City Services is required to mitigate changes and maintain levels of service (public safety, transit, building maintenance, streets and parks) \$99,000.

Pending Council direction, staff will return to finalize amendments to current contract and necessary FY2021 budget adjustments via budget process and/or approve changes through future supplemental plans.

Background

The [current contract that the City holds with Kimball Art Center](#) is valid through 2021 Festival. KAC has proposed material changes to the event, and requests direction from Council by December to plan for the upcoming Festival. Of note, [Council's standing policy to better manage events \(summary here\)](#), approved September 2018. Given the volume of other events seeking policy direction, staff believes it is important to act as soon as possible.

Overview Analysis

KAF is an important cultural and community event and provides economic benefits to our local business community. The KAF serves as the primary fundraiser for the KAC each year and is a Level 5 event that helps maintain Park City's reputation throughout the western states as a destination for arts and culture. Over the last 50 years, proceeds from the KAF enable the KAC to provide numerous low cost and free exhibitions and programs for the community. On September 11, 2019, KAC provided a formal request for changes (Exhibit A):

1. Free the Festival for Everyone – no admission fee
If Council supports Free the Fest, staff requests direction on costs associated with the changes:

- KAF's proposal suggests alignment with the KAC's mission of providing access to the arts and a desire to become one of the top Festivals in the Country. Proposed changes will further align with Social Equity community priorities by increasing inclusivity, and will reduce costs to KAC (operating gates, RFID and wristbands) but leave KAC to make up lost admission revenue from by seeking additional sponsorships and branding (\$200K).
 - Attendance with regards to changes is difficult to estimate for either the KAC or City. KAC proposes a 10% attendance increase (from 52,000 in 2019 to 57,200 in 2020). Special Events staff anticipates a higher increase in attendance increase (possibly up to 60%), based on increase in attendance from Free the Festival for primary residents had in 2019, and attendance at other top Art Festivals. If such an increase is realized, attendance would jump to 86,840, which would require major changes to City Services to mitigate such impacts.
 - Staff is concerned that impacts from Free the Fest may significantly increase regional attendance (drive traffic), strain on staffing and infrastructure and their associated negative impacts including Transportation related community goals during a time that is already defined as a Peak Time Period. These may hurt the quality of the event, and surely increase City costs such as Police, Transit, Transportation Planning, Building, Streets, Building Maintenance/Parks).
2. Expanding Use to 9th Street, Summit Watch Plaza, and Sky Lodge. **Staff supports this request.**
 - Expansion will require increase need for operational details including City staffing and require budget/costs increases.
 - KAF indicated they have permission from property owners to proceed, per section [4A-2-3\(G\)\(4\)](#) KAC should be required to provide letter of permission to the City from property owners.
 - 9th Street - staff coordinated with Transit, who has proposed to move operations solely to the Swede Alley/Old Town Transit Center. This will require all stops on Park Avenue to be suspended during the KAF.
 3. Increased City Service Costs:
 - KAC requested minor additional public safety traffic mitigation on Swede Alley estimated at \$5,200. Per section C.6 (p.7&8), the increase is within contracted financial thresholds (\$28,000 left out of the \$180,000 cap) as a standalone request without any other changes. **Staff supports this request.**
 - Based on proposed changes, Staff recommends additional levels of City services to maintain and mitigate public safety, transit and transportation, Building Maintenance, and Streets and Parks (trash management, city facilities). Estimates included in Exhibit A, approximately \$99,000, yet need refinement. KAC informed staff that it would be difficult to very difficult to cover such increased costs. Such increase in costs may result in the KAC not being able to freeing the fest.

Funding

Total City Services for the 2019 Arts Festival was \$152,000. Per section 6.2 of the current contract (p 8), if additional City Services exceed \$180,000, the parties shall meet and negotiate an amendment to the Agreement to address additional costs. Per section E.10 of the contract (p 11), KAC shall make an annual cash contribution for services not to exceed \$10,000. The current contract leaves \$28,000 in City Services to

be approved through a supplemental plan and budget process, before an amendment to the contract is needed.

Based on an initial analysis, staff estimates the combined request for changes will exceed \$28,000 (estimate up to another \$99,000). Therefore, costs increases under almost any scenario will require amendments/negotiations to the Agreement.

Attachments

Exhibit A: PCKAF Change Request, Proposed Footprint, Term Sheet & Cost Estimate

Exhibit A: PCKAF Change Request, Proposed Foot Print, Term Sheet & Cost Estimate

Jenny Diersen
Park City Municipal
445 Marsac Ave.
Park City, UT 84060

Dear Jenny,

Thank you for your continued support of the Park City Kimball Arts Festival. As we look forward to 2020 Festival held July 31 to August 2, Kimball Art Center would like to request a few changes we believe will make the event more dynamic, engaging, and enjoyable for patrons.

Our requests include:

1. Eliminating admission for all guests.
2. Expanding and restructuring the Festival footprint.
3. Expanding street closures for safety.

One of Kimball Art Center's core values is to provide art access to all, which complements the City's social equity initiative. We understand a \$15 entry fee is prohibitive to some, frustrating to others, and many Main Street businesses are not supportive having a fee. The Festival is also Kimball Art Center's largest fundraiser and supports much of our operating budget. In order to make the event free, we will need to increase our revenue in other areas, namely the number of artist booths.

As such, Kimball Art Center would like to extend artist booths along 9th Street towards Deer Valley Drive, similar to the Park Silly Sunday Market's footprint. We are in contact with representatives from Marriott Summit Watch and are also seeking permission to place artist booths in the Marriott Summit Watch courtyard as well.

For this to be a reality, the current bus route would need to change so that 9th Street is no longer a main stop for arriving guests. Eliminating this stop and rerouting all busses away from Heber and 9th Street to the Main Street terminal would allow Kimball Art Center to maximize artist tents, which offset much of our revenue loss from ticket sales.

For the safety of the operations staff working this event, Kimball Art Center also requests to close Swede Alley to vehicle traffic starting Friday July 31st at 8:00am through 10:00pm on Sunday August 2nd, and for additional police presence to enforce this closure. Vehicles with a Swede Alley pass would still be allowed access to the street.

Though not a material change, Kimball Art Center intends to work with the Special Events team and the Park City Fire Marshall to maximize the number of artist tents along Main Street.

We greatly appreciate your support in this matter.

Sincerely,
Canice Harte

DRAFT Map of Festival Foot Print/Expanded Use Areas

[illegible]

Exhibit A: PCKAF Change Request, Proposed Foot Print, Term Sheet & Cost Estimate

Proposed Term Sheet

Terms	KAC Proposal	City Proposal
Free the Festival	KAF estimates a modest 10% increase in attendance by Freeing the Festival. Such changes would no longer charge admission for anyone. This would remove costs to KAC including gates, wristbands, RFID. However, in order to make up admission received at the gates, KAC proposes to find Festival sponsors to make up difference in costs.	Staff is concerned about changes due to likely significant increases in attendance, Such changes are estimated to require increases to staffing and costs for Public Safety and Transit as well as require increased mitigation related impacts. These changes would exceed current contract amounts require the City to renegotiate terms of financial agreement. With such proposed changes, Council may wish to also discuss their goals for local access which they are currently subsidizing in current agreement. While increased attendance may increase overall spending, further evaluation regarding economic impact and average spending of guest may need to be evaluated with the level of subsidies the City is currently providing.
Expand Use Area	9th Street	Staff is supportive of this change, per other areas recommends non-exclusive use. It is important to note that Transit will need to be rerouted to Swede Alley only, not allowing transit connectivity through the Festival on Park Avenue. Council may choose to discuss programming goals in this area, as details have not been provided to the City.
Expand Use Area	Summit Watch Plaza	Staff is supportive of this change per terms outlined by the property owner, which Staff understands has been received by the Kimball Art Center. Staff has not yet received such terms outlined by Marriott Summit Watch. Council may choose to discuss programming goals in this area.

Exhibit A: PCKAF Change Request, Proposed Foot Print, Term Sheet & Cost Estimate

Expanded Use Area	Sky Lodge Outdoor Plaza property	Staff is supportive of this change per terms outlined by the property owner, which Staff understands has not been received by the Kimball Art Center.
Use Area Changes	Change Festival Footprint	Staff needs more time to review proposed changes and evaluate how such changes will effect fire lanes and emergency access. Such changes propose to increase beer gardens which may further compete with Main Street businesses and require increased public safety.
Increased Cost of Services	Increase Public Safety Presence on Swede Alley on Friday to begin at 7 a.m., and end on Sunday at 10 p.m.	Staff is supportive of such changes to cost by \$2,400 or 26 hours.
Increased Cost of Services due to requested changes	KAC has not requested an increase LOS based on their changes.	City Recommends increased LOS to maintain public safety, transit, transportation and impacts in other departments such as Building, Building Maintenance, Streets and Parks (Trash management and City facilities). Current estimates are below, but need to be refined.

Exhibit A: PCKAF Change Request, Proposed Foot Print, Term Sheet & Cost Estimate

Initial Cost Estimates for Free the Fest

*Current costs are waived per City Contract, however, KAC pays the City \$10,000 towards such fees.

Item	Current Total Cost	New Estimated Total Cost	Notes
Special Event Application Fee	\$640	\$640	No Change
Fire/Building Permits	\$202.84	\$702	After hours fees for inspections are not being charged currently, expanded use will likely require additional permits
Parking Services	\$10,000	\$10,000	No change to Special Use/Removal of Parking However, increases staffing needs to manage parking and parking/taxi enforcement. This may include increases to staff, or increases to contracted staff projections that are not budgeted or estimated in this chart and need to be budgeted for or further discussed.
Increased Cleanings Building Maintenance	\$1,500	\$3,000	With anticipated increases in attendance, staff has estimated doubling Building Maintenance costs to maintain restrooms on Main Street and increased Trash/Recycling.
Transit Operations	\$72,473	\$132,953	Adding Transit Service (12 buses, 12 hours per day for 3 days) needs to be further evaluated. Additional parking outside of town would also have to be secured (Richardson Flats/Quinns) Transit system would need to be prepared to move additional people. City or KAC may have to contract out additional fleet if such service is to be provided, as we do not have existing fleet to provide this level of service. Cost assumes each additional bus up to 60 people, and run 3 routes per hour; this would move an additional average of 2,160 people per hour, further reducing traffic impacts.
Banner Installation	\$800	\$950	Minor change in Banner Installation is estimated due to increased

Exhibit A: PCKAF Change Request, Proposed Foot Print, Term Sheet & Cost Estimate

			sponsorship/marketing opportunities.
Public Safety Personnel	\$66,937	\$102,937	Based on attendance increases, significant increase to crowd management would be needed. Police have not had time to evaluate such request so costs may increase. Approximately 480 additional staff hours through the weekend are estimated, at \$75 per hour on top of what is already provided. This increase in cost does not necessarily include any additional traffic enforcement or mitigation. This will continue to place a strain on Public Safety staffing, which is already maxed during this peak time. The Mobile Command Trailer has been required at the event, but staff has not been charging for such costs, estimated at \$1,200 not included in costs.
Streets Department	\$3,000	\$4,000	Bollard Installation and Barricades and VMS boards. Such costs are not in contract, and have not been being charged to KAC.
Totals	\$155,552.84	\$255,182	Increase City Services Estimated at \$99,632, based on fee schedule.

Council Agenda Item Report

Meeting Date: December 5, 2019

Submitted by: Caitlyn Barhorst

Submitting Department: Planning

Item Type: Staff Report

Agenda Section:

Subject:

Consideration to Approve Ordinance No. 2019-57, an Ordinance Approving the Little Maggie Subdivision
Located at 57 and 59 Prospect Avenue, Park City, Utah
(A) Public Hearing (B) Action

Suggested Action:

Attachments:

[Little Maggie Subdivision Staff Report](#)

[Exhibit A: Draft Ordinance](#)

[Exhibit B: Survey](#)

[Exhibit C: Aerial Photographs and Site Photographs](#)

[Exhibit D: Applicant's Project Description](#)

City Council Staff Report



PLANNING DEPARTMENT

Subject: Little Maggie Subdivision at 57 and 59 Prospect Avenue
Author: Caitlyn Barhorst, Historic Preservation Planner
Project Number: PL-19-04338
Date: December 5, 2019
Type of Item: Legislative – Minor Subdivision

Summary Recommendation Description

Staff recommends the Planning Commission hold a public hearing for the Little Maggie Subdivision located at 57 and 59 Prospect Avenue and approving the Little Maggie Subdivision Plat based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Description

Applicant: Kim Marks, represented by Marshall King, Alliance Engineering
Location: 57 and 59 Prospect Avenue
Zoning: Historic ReSidential-1 (HR-1)
Adjacent Land Uses: Residential
Reason for Review: Subdivision Plats require Planning Commission review and City Council review and action.

Proposal

The proposed subdivision seeks to subdivide the existing three (3) metes and bounds Parcels (also known as Parcels 1, 2, and 3, including 6,811 square feet) into two (2) Lots of record. There are two Historic Sites located at 57 Prospect Avenue and 59 Prospect Avenue, both designated as Landmark on the City's Historic Sites Inventory (HSI). Proposed Lot 1 is 57 Prospect Avenue (identified by Summit County as PC-226) and Lot 2 is 59 Prospect Avenue (identified by Summit County as PC-227). Parcel PC-S-46-B-3 is proposed to become part of Lot 2, 59 Prospect Avenue.

Background

Neither property has had a previous land use application. The properties have existed as metes and bounds Parcels and there have been minimal building permits only consisting of routine maintenance and repairs.

On September 25, 2019 the Planning Department received an application to subdivide the three (3) metes and bounds Parcels into two (2) Lots of record for the properties located at 57 and 59 Prospect Avenue. The application was deemed complete on October 8, 2019.

On November 13, 2019 the Planning Commission unanimously forwarded a positive recommendation to City Council. [Staff Report](#) (page 130).

Purpose

The purpose of the HR-1 District is to:

- A. preserve present land Uses and character of the Historic residential Areas of Park City,
- B. encourage the preservation of Historic Structures,
- C. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- D. encourage single family Development on combinations of 25' 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.

Analysis

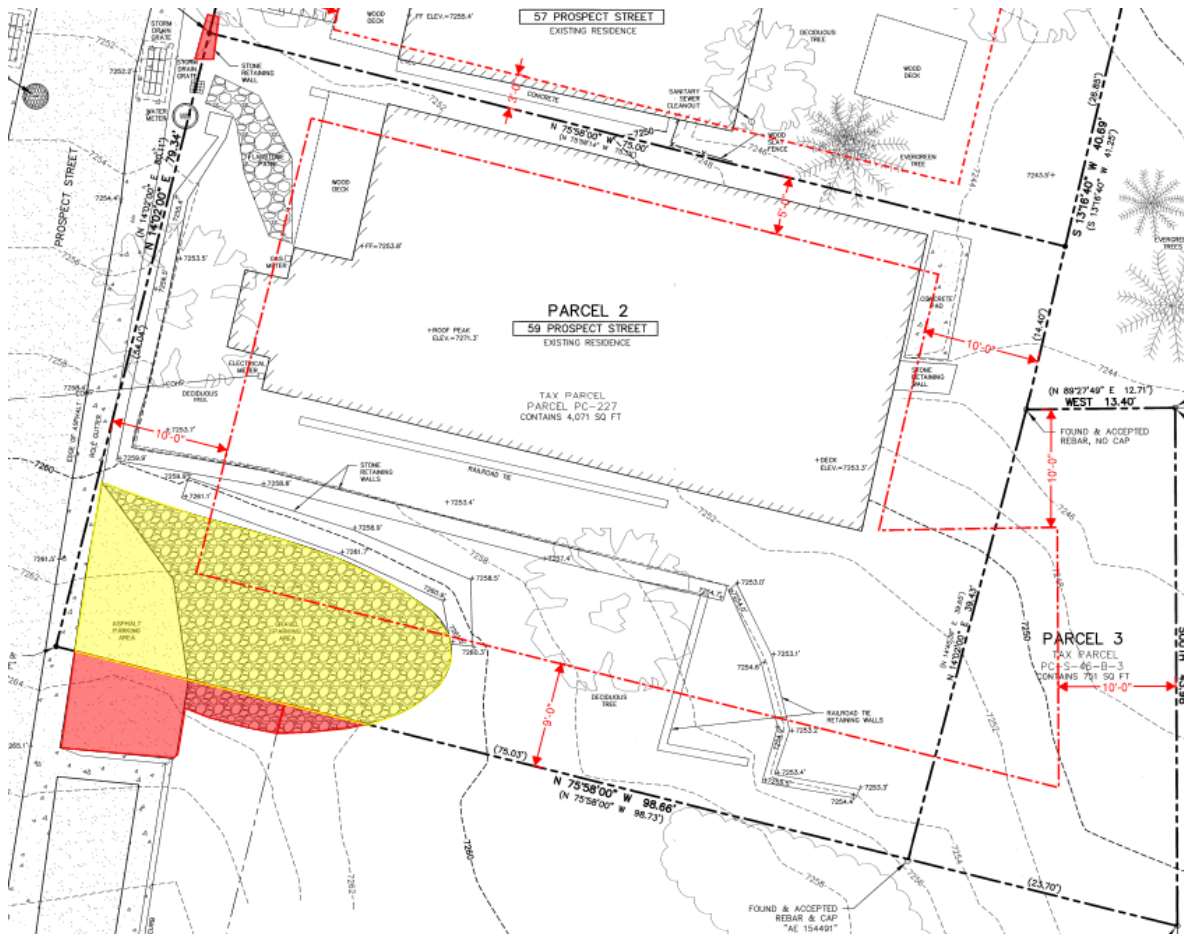
The proposed Subdivision seeks to subdivide the existing three (3) metes and bounds Parcels into two (2) Lots of record. The Applicant proposes to make improvements to 59 Prospect Avenue (Lot 2) at a future date.

The following are the lot and site requirements of LMC for the HR-1.

	Proposed Lot LMC Requirements:		Existing Conditions Comments:
	Lot 1	Lot 2	
Front/Rear Setbacks by Use – feet (ft.)	10' Allowed	10' Allowed	Lot 1: 16' Front and 30' Rear <i>complies, existing Historic Structure</i> Lot 2: 11'-6" Front (existing bay window projects 2'-2" into Front Setback and is 6'-10" wide) and 11'-6" Rear <i>complies, existing Historic Structure</i>
Side Setbacks– feet (ft.)	3' Allowed	5' Allowed with 14' total combined	Lot 1: 4' (north) and 1'-9" (south) <i>complies, existing Historic Structure</i> Lot 2: 1'-10" (north) and 25'-6" (south) <i>complies, existing Historic Structure</i>
Minimum Lot Width	25'	25'	Lot 1: 26'-3" <i>complies</i> Lot 2: 54'-1" <i>complies</i>

On proposed Lot 2, there is an asphalt and gravel parking area that encroaches into the south property line into City Right-of-Way. The gravel parking area also encroaches into the property to the south. The stone retaining wall that borders the west (Front) property line and south (Side) of the Historic Structure are taller than 4' height in the Front Setback.

Figure 2: Existing encroachments in red and gravel parking area in yellow



Conditions of Approval:

#3 The existing gravel parking area at 57 Prospect Avenue shall be removed prior to recordation of this Subdivision Plat.

#4 The applicant shall resolve the existing retaining wall encroachment within the Front Setback at 57 Prospect Avenue prior to recordation of this Subdivision Plat by removing the retaining walls, relocating them within property lines or by entering into an encroachment agreement with the City.

#5 The encroachment of the existing railroad tie retaining walls and wood walkway must be resolved with the neighboring property at 51 Prospect Avenue

as the retaining walls and wood walkway encroach over the north property line into their property. The encroachment shall be resolved by removing the retaining walls and wood walkway, relocating them within property lines, or by entering in to an encroachment agreement with the affected property owner(s).

#6 The existing asphalt and gravel parking areas at 59 Prospect Avenue encroach into the Right-of-Way and encroach to the south into the Prospect Heights Subdivision. The applicant shall remove these parking areas.

#7 Per LMC § 15-3-3(B) Parking Areas and driveways must be Hard-Surfaced, impervious, maintained in good condition, and clear of obstructions at all times. All gravel parking areas shall be removed prior to recordation of this Subdivision Plat.

#8 Per LMC § 15-4-2(A) Fences and retaining walls within any Front Setback shall not exceed four feet (4') from final grade. If the existing retaining walls are removed or improved, the height may exceed four feet (4') from final grade, subject to approval by the Planning Director and City Engineer, and may exceed six feet (6') in height subject to approval of an Administrative Conditional Use permit.

Staff finds that the Subdivision Plat, as conditioned, to subdivide the three (3) metes and bounds Parcels into two (2) Lots of record, will not cause undo harm to adjacent property owners because the proposed plat meets the requirements of the Land Management Code for the HR-1 zoned portions and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements in effect at the time of application for building permits.

Good Cause

Staff finds good cause for this Subdivision Plat as the existing encroachments will be resolved. The subdivision will also be creating two (2) Lots of record from the existing metes and bounds Parcels. This subdivision will allow future development and improvements to the two Historic Sites.

Process

The approval of this Subdivision Plat application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC §15-1-18.

Department Review

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

Notice

On October 30, 2019, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record and the Utah Public Notice Website on October 26, 2019, according to requirements of the Land Management Code.

Public Input

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

Alternatives

- The Planning Commission may forward positive recommendation to the City Council for the Little Maggie Subdivision, located at 57 and 59 Prospect Avenue, as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the Little Maggie Subdivision, located at 57 and 59 Prospect Avenue, and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the Little Maggie Subdivision, located at 57 and 59 Prospect Avenue, for additional information to address comments raised at the meeting.

Significant Impacts

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

Consequences of not taking recommended action

Consequences of not taking the Planning Department's recommendation are that the encroachments would not be resolved and the site would continue to be three metes and bounds Parcels. No future development or improvements to the site could be completed.

Summary Recommendation

Staff recommends the Planning Commission hold a public hearing for the Little Maggie Subdivision located at 57 and 59 Prospect Avenue and consider forwarding a positive recommendation to the City Council 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 (Attachment 1)

Exhibit B – Survey

Exhibit C – Aerial Photographs and Site Photographs

Exhibit D – Applicant's Project Description

Exhibit A

Ordinance No. 2019-57

AN ORDINANCE APPROVING THE LITTLE MAGGIE SUBDIVISION LOCATED AT 57 AND 59 PROSPECT AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the properties located at 57 and 59 Prospect Avenue has petitioned the City Council for approval of the Subdivision Plat; and

WHEREAS, on October 26, 2019, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on October 30, 2019, proper legal notice was published according to requirements of the Land Management Code and courtesy letters were sent to surrounding property owners; and

WHEREAS, the Planning Commission held a public hearing on November 13, 2019, to receive input on the Subdivision Plat; and

WHEREAS, the Planning Commission, on November 13, 2019, forwarded a positive recommendation to the City Council; and,

WHEREAS, on December 5, 2019, the City Council held a public hearing to receive input on the Subdivision Plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Little Maggie Subdivision located at 57 and 59 Prospect Avenue.

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

SECTION 1. APPROVAL. The Little Maggie Subdivision, 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 subject property is located at 57 and 59 Prospect Avenue.
2. The Subdivision Plat application is a request to turn three (3) metes and bounds Parcels into two (2) Lots of record.
3. The property is in the Historic ReSidential (HR-1) District.
4. 57 and 59 Prospect Avenue are both individually listed as "Landmark" on the City's Historic Sites Inventory.
5. 57 Prospect Avenue (Parcel 1, PC-226) contains 1,989 square feet.
6. 59 Prospect Avenue (Parcel 2, PC-227) contains 4,071 square feet.

7. Parcel 3 (PC-S-46-B-3) contains 751 square feet.
8. The proposed Subdivision Plat combines the property into two (2) Lots: Lot 1 which includes Parcel 1 (57 Prospect Avenue) contains 1,989 square feet. Lot 2 which combines Parcel 2 (59 Prospect Avenue) and Parcel 3 contains 4,822 square feet.
9. The minimum Lot area for a single-family dwelling is 1,875 square feet in the HR-1 zone. The proposed Lots meet the minimum lot area for single-family dwellings.
10. A single-family dwelling is an allowed use in the District.
11. The minimum width of a Lot is 25 feet measured 15 feet back from the Front Lot Line. Lot 1 is 26'-3" and Lot 2 is 54'-1". The proposed Lot widths meet the minimum width.
12. LMC § 15-2.2-4 states historic structures that do not comply with building Setbacks are valid complying structures.
13. The minimum Front/Rear Setbacks are 10 feet (10'); the minimum total Front plus Rear Setbacks are twenty feet (20'). Lot 1 (57 Prospect Avenue) of the proposed Subdivision Plat has a Front Setback of 16 feet and a Rear Setback of 30 feet. Lot 2 (59 Prospect Avenue) has a Front Setback of 11'-6" (with a 6'-10" wide bay window projecting 2'-2" into the Setback) and a Rear Setback of 11'-6".
14. The minimum Side Setback for proposed Lot 1 is 3 feet for a total of 6 feet.
15. The minimum Side Setback for proposed Lot 2 is 5 feet for a total of 14 feet.
16. On proposed Lot 1, there is a gravel parking area in the Front Setback. The stone retaining wall in the Front Setback encroaches into the City Right-of-Way. On the north, there are railroad tie retaining walls and a wood walkway that encroach into the neighboring property of 51 Prospect Avenue. The south Side of the Historic Structure encroaches into the Side Setback, as well as the wood deck off the Front entrance that is more than 30" above grade.
17. On the Front corner of proposed Lot 1 and Lot 2 there is a stone retaining wall that crosses over property lines and encroaches into the City Right-of-Way.
18. On proposed Lot 2, there is an asphalt and gravel parking area that encroaches into the south property line into the City Right-of-Way. The gravel parking area also encroaches into the property to the south. The stone retaining wall that borders the west (Front) property line and south (Side) of the Historic Structure are taller than 4' height in the Front Setback.
19. All gravel parking areas do not comply with LMC § 15-3-3(B) as they are not hard surfaced.
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 Subdivision Plat.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding Subdivision Plats.
3. Neither the public nor any person will be materially injured by the proposed Subdivision Plat.
4. Approval of the Subdivision Plat, 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 Planner, City Attorney, and City Engineer will review and approve the final form and content of the Plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the Plat.
2. The applicant will record the Subdivision Plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the Plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The existing gravel parking area at 57 Prospect Avenue shall be removed prior to recordation of this Subdivision Plat.
4. The applicant shall resolve the existing retaining wall encroachment within the Front Setback at 57 Prospect Avenue prior to recordation of this Subdivision Plat by removing the retaining walls, relocating them within property lines or by entering into an encroachment agreement with the City.
5. The encroachment of the existing railroad tie retaining walls and wood walkway must be resolved with the neighboring property at 51 Prospect Avenue as the retaining walls and wood walkway encroach over the north property line into their property. The encroachment shall be resolved by removing the retaining walls and wood walkway, relocating them within property lines, or by entering in to an encroachment agreement with the affected property owner(s).
6. The existing asphalt and gravel parking areas at 59 Prospect Avenue encroach into the Right-of-Way and encroach to the south into the Prospect Heights Subdivision. The applicant shall remove these parking areas.
7. Per LMC § 15-3-3(B) Parking Areas and driveways must be Hard-Surfaced, impervious, maintained in good condition, and clear of obstructions at all times. All gravel parking areas shall be removed prior to recordation of this Subdivision Plat.
8. Per LMC § 15-4-2(A) Fences and retaining walls within any Front Setback shall not exceed four feet (4') from final grade. If the existing retaining walls are removed or improved, the height may exceed four feet (4') from final grade, subject to approval by the Planning Director and City Engineer, and may exceed six feet (6') in height subject to approval of an Administrative Conditional Use permit.

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

PASSED AND ADOPTED this 5th day of December, 2019.

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, MAYOR

Date

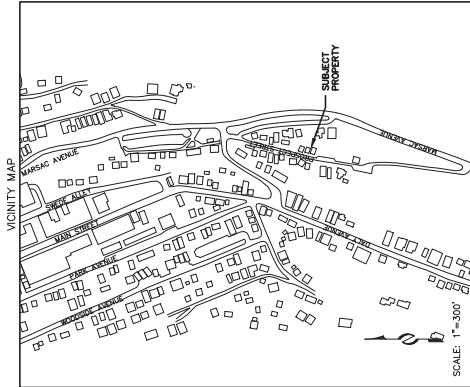
ATTEST:

City Recorder

APPROVED AS TO FORM:

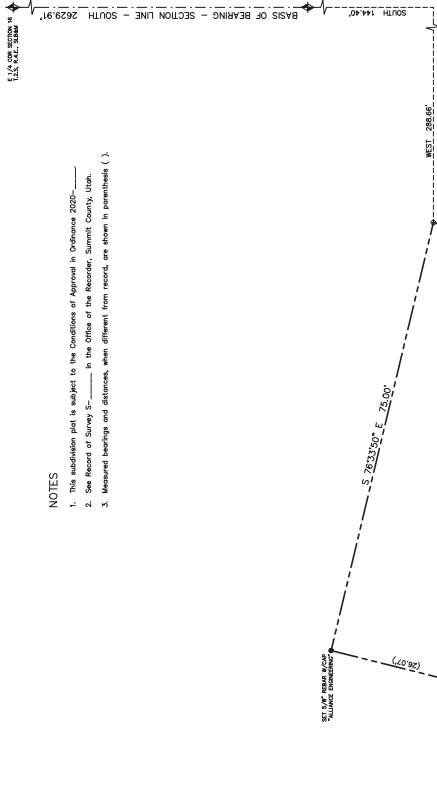
Mark Harrington, City Attorney

Attachment 1 – Proposed Plat



NOTES

- This subdivision plat is subject to the Conditions of Approval in Ordinance 2020-_____.
- See Record of Survey S-_____ in the Office of the Recorder, Summit County, Utah.
- Measured bearings and distances, when different from record, are shown in parentheses ().



SURVEYOR'S CERTIFICATE

I, Charles D. Marks, do hereby certify that I am a duly Licensed Professional Surveyor and that I have personally surveyed and measured the boundaries of the above described property and that the same have been correctly surveyed and measured on the ground as shown on this plat.

LEGAL DESCRIPTION

PANEL 1
Beginning at a point South 89°57' West along the section line 330.00 feet and South 14°02' West 131.30 feet to the northeast corner of section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 75°50' West 75.00 feet; thence North 14°02' East 25.70 feet to the point of beginning.

PANEL 2
Beginning at a point South 89°57' West along the section line 330.00 feet and South 14°02' West 131.30 feet to the northeast corner of section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 75°50' West 75.00 feet; thence North 14°02' East 25.70 feet to the point of beginning.

PANEL 3
Beginning at a point South 89°57' West along the section line 330.00 feet and South 14°02' West 131.30 feet to the northeast corner of section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 75°50' West 75.00 feet; thence North 14°02' East 25.70 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL BY WHOM THESE PRESENTS that Kim F. Marks and Margaret D. Marks, the undersigned owner of the above described property, do hereby certify that they have caused this plat to be prepared, and do hereby consent to the recording of this plat.

ACKNOWLEDGMENT

By: Margaret D. Marks
STATE OF _____
COUNTY OF _____

By: Kim F. Marks
STATE OF _____
COUNTY OF _____

On this _____ day of _____, 2020, Kim F. Marks personally appeared before me, whose identity is personally known to me or proven to me by the production of satisfactory evidence, and who by me duly sworn/affirmed, that he acknowledged to me that he executed LITTLE MAGGIE SUBDIVISION.

By: _____
Notary Public
Printed Name: _____
Reading to: _____
My commission expires: _____
Commission No.: _____

ACKNOWLEDGMENT

STATE OF _____
COUNTY OF _____

On this _____ day of _____, 2020, Margaret D. Marks personally appeared before me, whose identity is personally known to me or proven to me by the production of satisfactory evidence, and who by me duly sworn/affirmed, that she acknowledged to me that she executed LITTLE MAGGIE SUBDIVISION.

By: _____
Notary Public
Printed Name: _____
Reading to: _____
My commission expires: _____
Commission No.: _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL BY WHOM THESE PRESENTS that Kim Marks, the undersigned owner of the above described property, do hereby certify that they have caused this plat to be prepared, and do hereby consent to the recording of this plat.

ACKNOWLEDGMENT

STATE OF _____
COUNTY OF _____

On this _____ day of _____, 2020, Kim Marks personally appeared before me, whose identity is personally known to me or proven to me by the production of satisfactory evidence, and who by me duly sworn/affirmed, that he acknowledged to me that he executed LITTLE MAGGIE SUBDIVISION.

By: _____
Notary Public
Printed Name: _____
Reading to: _____
My commission expires: _____
Commission No.: _____

LITTLE MAGGIE SUBDIVISION

LOCATED IN THE NORTHEAST QUARTER OF SECTION 21,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

PUBLIC SAFETY ANSWERING POINT APPROVAL APPROVED THIS _____ DAY OF _____, 2020 BY _____ SUMMIT COUNTY GIS COORDINATOR		SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2020 BY _____ S.B.W.R.D.		PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2019 BY _____ CHAIR		ENGINEER'S CERTIFICATE FIND THIS PLAT TO BE IN ACCORDANCE WITH THE FILE IN MY OFFICE THIS _____ DAY OF _____, 2020 BY _____ PARK CITY ENGINEER		APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2020 BY _____ PARK CITY ATTORNEY		COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2020 BY _____ MAYOR		CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MADE BY _____ COUNCIL THIS _____ DAY OF _____, 2020 BY _____		RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ FEE _____ RECORDER _____ TIME _____ DATE _____ ENTRY NO. _____	
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FILE: K:\Projects\Survey\plat\maggie\maggie019.dwg
JOB NO. 4-6-19
SHEET 1 OF 1



57 & 59 PROSPECT STREET SURVEY

LOCATED IN THE NORTHEAST QUARTER OF SECTION 21,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
RECORD OF SURVEY-SUMMIT COUNTY, UTAH

SURVEYOR'S CERTIFICATE

I, Charles Galati, certify that I am a Professional Land Surveyor and that I hold License No. 7248981, as prescribed by the laws of the State of Utah. I further certify that under my direct supervision and control, I have caused this survey to be made and that it is a true and correct representation of said survey.



LEGAL DESCRIPTION

PARCEL 1

Beginning at a point South 89°37' West along the section line 330.00 feet and South 14°07' West 131.30 feet to the northwest corner of Lot 2, Quail Subdivision, which is a corner of the Northwest Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and running thence South 79°33'05" East 75.00 feet, thence South 14°07' West 26.48 feet, thence North 75°30' West 75.00 feet, thence North 14°07' East 25.70 feet to the point of BEGINNING.

PARCEL 2

Beginning at a point South 89°37' West along the Section line 330.00 feet and South 14°07' West 131.30 feet to the northwest corner of Lot 2, Quail Subdivision, which is a corner of the Northwest Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and running thence South 79°33'05" East 75.00 feet, thence South 14°07' West 26.48 feet, thence North 75°30' West 75.00 feet, thence North 14°07' East 25.70 feet to the point of BEGINNING.

PARCEL 3

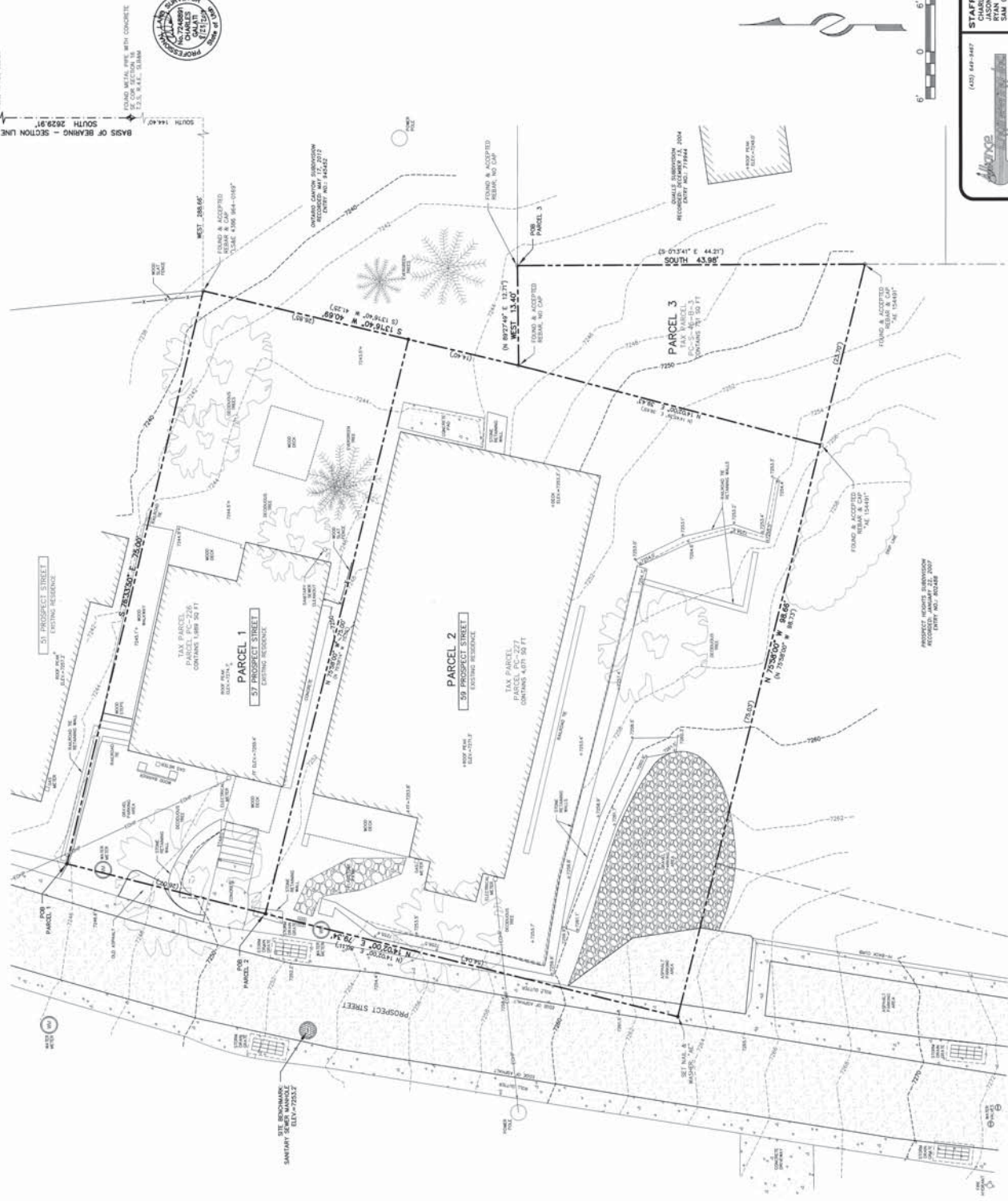
A parcel of land situated in the northeast quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, more particularly described as follows:
Beginning at the northwest corner of Lot 2, Quail Subdivision, which is a corner of the Northwest Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and running thence South 79°33'05" East 75.00 feet, thence South 14°07' West 26.48 feet, thence North 75°30' West 75.00 feet, thence North 14°07' East 25.70 feet to the point of BEGINNING.

NARRATIVE

1. Basis of Bearing for this survey is between the found section monuments as shown on this plat.
2. Field work for this survey was completed July 31, 2019, and is in compliance with generally accepted surveying practices.
3. The survey was made in accordance with the Utah Rules of Professional Conduct and the Utah Rules of Professional Procedure.
4. A. This Report was not provided to the surveyor and no easements or setbacks were located as part of this survey. This owner of the property should be aware of any items affecting the property boundaries or encumbrances on this property surveyed except as shown herein.
5. County the maps, recorded deeds, Prospect Heights Subdivision Plat, Quail Subdivision Plat, Ontario Canyon Subdivision Plat (all aforementioned documents on file and of record in the Summit County Recorder's Office), and physical evidence found in the field were used to determine the boundary as shown on this plat.
6. Site Benchmark: Sanitary Sewer Manhole, Elevation=7253.2' as shown.
7. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
8. Property corners were set or found as shown.
9. Measured bearings and distances, when different from record, are shown in parentheses ().

LEGEND

- Set 5/8" rebar 4' deep (Found Section Monuments)
- Found Monument
- Found Monument
- Found Section Monuments



STAFF: CHARLES GALATI
JASON WYNN
SAM GALATI
DUSTIN CAMBISH

DATE: 8/23/19

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

100 Main Street, 2nd Floor, Salt Lake City, Utah 84101-2004

(408) 444-4447

EXISTING CONDITIONS & TOPOGRAPHIC MAP

57 & 59 PROSPECT STREET

PARCELS PC-226, PC-227 & PC-S-46-B-3

FOR: KIM MAHER

JOB NO.: 4-6-19

FILE: X:\PostCitySurvey\57\59\57019\040619-57 & 59 Prospect St\040619-57 & 59 Prospect St.dwg

SHEET 1

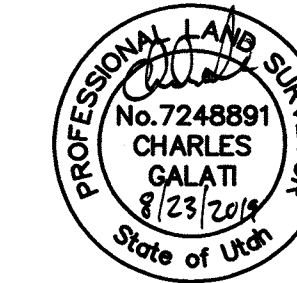
OF 1

57 & 59 PROSPECT STREET SURVEY

LOCATED IN THE NORTHEAST QUARTER OF SECTION 21,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
RECORD OF SURVEY-SUMMIT COUNTY, UTAH

SURVEYOR'S CERTIFICATE

I, Charles Galati, certify that I am a Professional Land Surveyor and that I hold License No. 7248891, as prescribed by the laws of the State of Utah; I further certify that under my direct supervision a survey has been performed on the hereon described property and that to the best of my knowledge this plat is a correct representation of said survey.



LEGAL DESCRIPTION

PARCEL 1

BEGINNING at a point South 89°57' West along the section line 330.00 feet and South 14°02' West 131.30 feet from the northeast corner of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 76°33'50" East 75.00 feet; thence South 14°02' West 26.48 feet; thence North 75°58' West 75.00 feet; thence North 14°02' East 25.70 feet to the point of BEGINNING.

(TAX PARCEL PC-226)

PARCEL 2

Beginning at a point South 89°57' West along the Section Line 330.00 feet and South 14°02' West 157.00 feet from the northeast corner of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 75°58' East 75.00 feet; thence South 14°02' West 53.64 feet; thence North 75°58' West 75.00 feet; thence North 14°02' East 53.64 feet to the point of beginning.

(TAX PARCEL PC-227)

PARCEL 3

A parcel of land situated in the northeast quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at the northwest corner of Lot 2, Qualls Subdivision, which point is South 184.57 feet and West 285.36 feet of the southeast corner of Section 16, Township 2 South, Range 4 East, thence West 13.40 feet more or less to a point on the east line of that certain parcel described in a Warranty Deed recorded September 28, 1976, as Entry No. 133700, in Book 84, at Page 554; thence along said east line, South 14°02'00" West 39.43 feet or less to the north line of Lot 2 Prospect Heights Subdivision; thence along said north line, South 75°58'00" East 23.66 feet more or less to the west line of Qualls Subdivision; thence North along said west line, 43.98 feet more or less to the point of beginning.

(TAX PARCEL PC-S-46-B-3)

NARRATIVE

1. Basis of Bearing for this survey is between the found section monuments as shown on this plat.
2. Field work for this survey was completed July 31, 2019, and is in compliance with generally accepted industry standards for accuracy.
3. The purpose of this survey was to perform an Existing Conditions and Topography survey for the possibility of future improvements to the property.
4. A Title Report was not provided to the surveyor and no easements or setbacks were located as part of this survey. This owner of the property should be aware of any items affecting the property that may appear in a title insurance report. The surveyor found no obvious evidence of easements, encroachments or encumbrances on the property surveyed except as shown hereon.
5. County tax maps, recorded deeds, Prospect Heights Subdivision Plat, Qualls Subdivision Plat, Ontario Canyon Subdivision Plat (all aforementioned documents on file and of record in the Summit County Recorder's Office), and physical evidence found in the field were used to determine the boundary as shown on this plat.
6. Site Benchmark: Sanitary Sewer Manhole, Elevation=7253.2' as shown.
7. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
8. Property corners were set or found as shown.
9. Measured bearings and distances, when different from record, are shown in parenthesis ().

LEGEND

- Set 5/8" rebar w/cap "ALLIANCE ENGINEERING" (Unless noted otherwise)
- Found Monument (As-Noted)
- ◆ Found Section monument (As-Noted)

6' 0 6' 12'



CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

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

(435) 649-9467

STAFF:
CHARLES GALATI
JASON WYNNE
RYAN BETZ
SAM GALATI
DUSTIN CARRISH

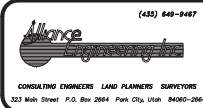
DATE: 8/23/19

EXISTING CONDITIONS & TOPOGRAPHIC MAP
57 & 59 PROSPECT STREET
PARCELS PC-226, PC-227 & PC-S-46-B-3

FOR: KIM MARKS
JOB NO.: 4-6-19

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SHEET
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OF
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STAFF:
MARSHALL KING
RYAN BETZ

DATE: 7/30/19

AERIAL PHOTOGRAPH
57 & 59 PROSPECT STREET
FOR: KIM MARKS
JOB NO.: 4-6-19
FILE: X:\PorkCitySurvey\dwg\Exhibits\57 & 59 Prospect-ortho.dwg

SHEET
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OF
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57 & 59 Prospect Street - looking northeasterly



57 & 59 Prospect Street - looking easterly



57 & 59 Prospect Street - looking westerly



57 & 59 Prospect Street - looking southwesterly

57 & 59 PROSPECT STREET

PROJECT INTENT

The single family residences at 57 & 59 Prospect Street are metes and bounds parcels east of Block 18, Park City Survey. An additional metes and bounds parcel is located east of and abuts the metes and bounds parcel at 59 Prospect Street. The owner of all three parcels seeks to unify the properties into lots of record with a subdivision plat, and expand 59 Prospect Street by combining parcels PC-227 and PC-S-46-B-3 as a lot. 57 Prospect is to be platted with its boundary unchanged. Both residences are on the historic registry, and changes to the buildings are not planned. The owner intends to make improvements to the 59 Prospect property.

Council Agenda Item Report

Meeting Date: December 5, 2019

Submitted by: Caitlyn Barhorst

Submitting Department: Planning

Item Type: Staff Report

Agenda Section:

Subject:

Consideration to Continue an Ordinance Approving the Lilac Hill East Subdivision Plat, Located at 622, 652, and 660 Rossie Hill Drive, Park City, Utah

(A) Public Hearing (B) Continue to January 9, 2020

Suggested Action:

Attachments:

[Lilac Hill East Continuation Staff Report](#)



City Council Staff Report

Subject: Lilac Hill East Subdivision
Author: Caitlyn Barhorst, Historic Preservation Planner
Project Number: PL-19-04332
Date: December 5, 2019
Type of Item: Legislative – Subdivision Plat

Summary Recommendation

Planning Department staff recommends that the City Council **continue** the Lilac Hill East Subdivision Plat to the **January 9, 2020** meeting date.

Description

Proposal: The applicant is requesting to subdivide an existing parcel containing three (3) Historic Structures into five (5) lots of record

Applicant: Lilac Hill, LLC represented by Watanabe Ventures LLC

Location: 622, 652, 660 Rossie Hill Drive

Zoning: HRL (Historic Residential- Low Density)

Adjacent Land Uses: Residential

Reason for Review: Subdivision Plats require Planning Commission review and City Council review and action.

Council Agenda Item Report

Meeting Date: December 5, 2019

Submitted by: Elizabeth Jackson

Submitting Department: Planning

Item Type: Ordinance

Agenda Section:

Subject:

Consideration to Approve Ordinance 2019-60, an Ordinance Approving the 245 Woodside Plat, Located at 245 Woodside Avenue, Park City, Utah
(A) Public Hearing (B) Action

Suggested Action:

Attachments:

[245 Woodside Plat Amendment Staff Report](#)

[Exhibit A: Draft Ordinance with Proposed Plat](#)

[Exhibit B: Applicant's Project Intent](#)

[Exhibit C: Existing Conditions Survey](#)

[Exhibit D: Aerial Photograph](#)

[Exhibit E: County Plat Map](#)

[Exhibit F: Site Photographs](#)

[Exhibit G: Planning Director Determination September 26, 2019](#)

City Council Staff Report



Subject: 245 Woodside Plat Amendment
Author: Liz Jackson, Planner
Project Number: PL-19-04209
Date: December 5, 2019
Type of Item: Legislative – Plat Amendment

Summary Recommendations

Staff recommends the City Council review and hold a public hearing for the 245 Woodside Plat Amendment and consider approving the proposed Plat Amendment based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft Ordinance.

Description

Applicant: Suzanne Herrmann, represented by Michael Stoker, Stoker Architecture, Inc.
Location: 245 Woodside Avenue
Zoning: Historic Residential-1 (HR-1) District
Adjacent Land Uses: Residential
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action
Designation: N/A – Non-historic Site

Proposal

Plat Amendment request to remove a Lot line to combine one and half (1½) Old Town Lots into one (1) Lot of record. The entire area is already identified by Summit County as Parcel PC-384.

Background

1974 - The non-historic house was constructed in 1974, according to Summit County's records. Staff has found no building permit or plans for this construction. The Site was in the Residential (R-1) Zoning District at that time.

1994-2010 - Multiple complaints are filed with the City on this Site. These vary from this Site being turned from a Duplex into a Triplex, to building without a permit.

2010 - Site was remodeled from a Triplex to a Duplex (approved in Building Permit BD-10-15955), which was a Conditional Use in the HR-1 Zoning District at that time. Staff has found no record of a Conditional Use Permit approval for this Use. There is, however, a determination letter from the Planning Department in 1983 (see Exhibit G Attachment 1) that indicates that the Structure was originally constructed as a Duplex and could continue as that Use. This letter also indicates that the Structure had been converted from a Duplex to a Triplex at some point prior to the letter's date of October 5,

1983, but doesn't indicate when. On April 16, 2010, a Historic District Design Review waiver letter was issued for this Site to reconstruct the front stairs (northern side of property) and the joists for the front deck as they were unsafe and rotting. See Exhibit G – Attachment 3. Staff has found no record of the (varies in size up to 30 feet in width) driveway's approval.

August 13, 2018 – Herrmann applied for a Historic District Design Review-Pre application to discuss development options on the Lot. At this time, staff directed the Applicant to apply for a Plat Amendment to form one (1) Lot of record. This would address existing encroachments on the Site and prepare it for any future development.

April 19, 2019 - Herrmann applied for a Plat Amendment to combine their property into one (1) Lot by removing an interior Lot Line. The application was deemed complete on June 26, 2019. The Applicant currently has a Historic District Design Review-Pre application under review. This Plat Amendment is the first step in moving forward with their future improvements to this non-historic Site. The subject Site consists of the northern half of Lot 11 and all of Lot 12, Block 31, within the Park City Survey boundaries.

October 23, 2019 – Planning Commission held a public hearing and forwarded a positive recommendation to City Council. See meeting minutes [here](#), beginning on page 4. Staff report is linked [here](#). Refer to Analysis section below, within the section titled Encroachments, for a summary of Planning Commission's recommendation.

Analysis

The subject Site is located at 245 Woodside Avenue. The Site is within the Historic Residential-1 (HR-1) District. The proposed Plat Amendment creates one (1) Lot from one and a half (1½) Old Town Lots. The Applicant requests to eliminate the interior Lot that bisects the non-historic structure.

The proposed Plat Amendment complies with certain Lot and Site Requirements of the Historic Residential-1 District, but there are multiple aspects that do not comply with the current LMC, nor the Zoning Code that was in effect at the time of the Structure's construction. See Exhibit G – Planning Director Determination September 26, 2019 for background information on this Site's current status regarding the Site's Use as a Duplex Dwelling, on-site Parking, and existing encroachments. The Planning Director has made a determination that the existing Duplex Dwelling located at 245 Woodside Avenue does not comply with current Land Management Code requirements for a legal Non-complying Structure due to the encroachments in the Front and Side Setbacks, the lack of required parking for a Duplex Use, and the evidence on record related to this property; however, the Duplex Use was allowed in 1974, per the 1968 enacted Zoning Code at the time, and our records indicate that in 1983 the Planning Department issued a letter acknowledging that the use was originally a Duplex Dwelling. The table below references the Zoning requirements for 1968 and 2010 (which are the same as the current requirements for the HR-1 Zoning District), compared to the current Site conditions.

	1968 LMC Requirements for R-1 Zoning District	2010 LMC Requirements for HR-1 Zoning District	Current Conditions
Lot Size	3,000 Square Feet (SF)	3,750 SF for a Duplex	Plat proposes 2,812; does not comply
Lot Width	37.5 feet, measured 20 feet back from the Front Lot Line	25 feet, measured 15 feet back from the Front Lot Line.	Plat proposes 37.5 feet; complies
Footprint	Not required	1200.5 SF	1, 090 SF as measured; complies
Side Setback	5 feet	3 feet; total of 6 feet	1.75 (north portion of house) and 3 (south) feet, as measured; north does not comply, south complies
Rear Setback	10 feet	10 feet	16 feet as measured to the Rear Yard patio, 28.3 feet as measured to the Main Building; complies
Front Setback	20 feet	10 feet	9 feet as measured; does not comply
Building Height	35 feet	27 feet from Existing Grade	24 feet 4 inches as measured; complies

Currently, there are multiple Structures on the Lot that are not in compliance with the Lot and Site Requirements ([LMC 15-2.2-3](#)) for the HR-1 zone, as listed in the table above. The stairs within both (south and north) Side Setbacks that exceed 30" in height; the existing Front (east) deck exceeds the zone's Front Setback exception of 10' wide and 3' into the Setback. The deck currently extends 5' over the front property line into the City Right-of-Way, and is measured at 27.08' wide (as measured per the submitted Site survey – see Exhibit C). See image below titled Diagram 1 from Exhibit C – Existing Conditions Survey, zoomed in.

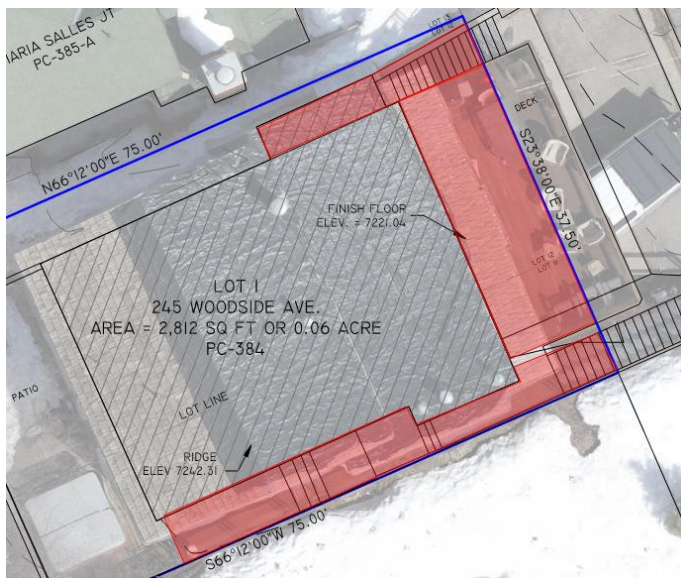


Diagram 1 from Exhibit C – Existing Conditions Survey, zoomed in

There are also two retaining walls on either side (north and south) of the driveway. The north wall is within the Front and Rear Setbacks and exceeds 6' in height at its tallest point. See photograph below.

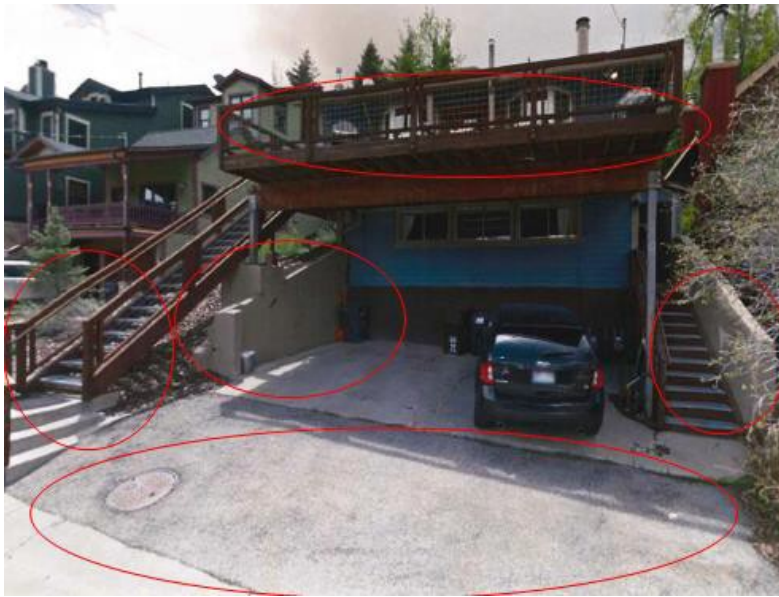


245 Woodside Avenue - Looking Westerly

Any future development on the Site will need to be in compliance with the Land Management Code and the Design Guidelines for Historic Districts and Historic Sites ([LMC 15-13](#)).

Encroachments

On this Site, there are two sets of stairs, two retaining walls, a driveway, and a deck that encroach onto the Woodside Avenue public Right-of-Way. There is an existing Encroachment Agreement (Exhibit G Attachment 4) for the concrete stairs on the south side of the property (left circled stairs in photograph below). See photograph below and illustration from Exhibit C – Existing Conditions Survey, zoomed in:



245 Woodside Avenue - Looking Westerly

The stairs straddle the north and south property lines. The retaining walls run adjacent to the stairs. Staff recommends that before the Plat is recorded, the Applicant will need to remove the existing northern stairs, both retaining walls, and deck encroachments within the City Right-of-Way; move said encroachments to be entirely within the property lines and abide by Setbacks; or enter into an encroachment agreement for said encroachments with the City. See Condition of Approval no. 3.

On October 23, 2019, the Planning Commission reviewed the Plat Amendment and unanimously forwarded a positive recommendation to the City Council, as amended. The amendments included updating Condition of Approval 3 to clarify existing stairs encroachments, include City Council's review and action of the Encroachment Agreement for this Plat Amendment application; and updating Condition of Approval 4 to show which portion of the LMC indicates that the Applicant may maintain the current Use of the Site as a Duplex Dwelling, but any expansion, deviation, or demolition of the Structure from the current Use will require the Use to come into compliance with the current LMC. These amendments are shown in Exhibit A. Concerns of the Planning Commission included the limited parking available onsite, and if there is good cause for allowing the applicant to keep the existing encroachments in the Right-of-Way (through an Encroachment Agreement), as opposed to requiring removal of the encroachments. Vice Chair Suesser expressed that she thought that would set a precedent for allowing people to build structures in the City that don't comply with the Code. Commissioner Kenworthy also asked the Applicant's representative that was present at the meeting, Justin Keys, if the Applicant had a solution in mind for the southernmost staircase as it extends out to the edge of the road and reduces already limited street parking on Woodside Avenue. Mr. Keys stated that the Applicant would like to move the staircase closer to the home and bring it within the Lot boundary. Select Planning Commissioners suggested that the possible Encroachment Agreement reduce the degree of the non-compliant encroachments. Staff met with the Applicant's representative, Justin Keys, on November 26, 2019 to discuss the encroachments. This discussion included possible solutions that could lessen the degree of the Structure not complying with the Code. The Applicant will submit updated plans for staff's review, draft an Encroachment Agreement, and return to City Council at a later date for their review. When reviewing the Encroachment Agreement, Planning Commission suggested that City Council review the encroachments carefully and – including, but not limited to – potentially require that the south stairs

encroachment be lessened and pulled back from the Right-of-Way.

The Commissioners also suggested that the City Council review the overall Encroachment Agreement review process, specifically in Park City's Historic Districts. Planning Commission suggests that the City Council consider reviewing and acting as the determining body for Encroachment Agreements within these Districts, in addition to the City Engineer's review and action. This is a separate recommendation from this Plat Amendment application. Staff will schedule a separate work session at a later date, following the call-up of the 901 Woodside Avenue Conditional Use Permit at the December 19, 2019 City Council meeting, as this application is also regarding encroachments in the City Right-of-Way.

Parking

Currently, the Site has a Parking Area of 23' wide x 9' deep, as measured, within the property's Front Yard area. This Parking Area is connected to a paved area within the Right-of-Way, which is 25' wide x 15.5' deep, as measured. This measured area varies due to the adjacent retaining walls and stairs. Per [LMC 15-3-3\(F\)](#), this is not considered a Parking Space due to the area within the property being less than 18' deep. A Duplex Use requires two (2) parking spaces per Dwelling Unit, equaling four (4) parking spaces total, per [LMC 15-3-6](#). The current Site does not meet this parking requirement for the Duplex Use. See Exhibit G for further analysis of the Parking Area. Based on the existing records, staff has determined the Site does not meet parking requirements of the 1968 Code, nor the current Code. If the City Engineering Office were to grant an Encroachment Agreement for the existing parking on the Site, it is possible this would bring this Structure up to the required two (2) parking spaces of the 1968 Code, but as the Site is currently configured it would not be able to achieve the required four (4) parking spaces of the current LMC requirements. If this Agreement is not granted, then the Applicant would need to provide the required two (2) parking spaces within the property lines, per the 1968 Code. See Condition of Approval no. 3. See image below for the referenced Parking Area. The property line is shown in blue and the Parking Area in red.



Diagram 2 from Exhibit C – Existing Conditions Survey, zoomed in

Good Cause

Staff finds that there is good cause for this Plat Amendment as the interior Lot Line running through the existing structure will be removed, creating one (1) Lot of record, instead of having one and half (1½) Old Town Lots. The current configuration of the Lots include one developable Lot and one undevelopable Lot based on the minimum Lot Size requirement of

1,875 square feet, per [LMC 15-2.2-3](#). As a common practice, a public snow storage easement will be provided on the Site to be reflected on the proposed Plat. This Plat Amendment does not create a remnant parcel as the other half of Lot 11 was already replatted in 2007 as part of the 239 Woodside Replat. The Plat Amendment will also not have a negative impact on the neighboring properties or neighborhood. However, Conditions of Approval will need to be put in place to address the existing encroachments. These will need to be resolved prior to Plat recordation.

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 §15-1-18.

Department Review

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

Notice

On July 30, 2019, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record and the Utah Public Notice Website on July 27, 2019, according to requirements of the LMC. The application was continued per the Applicant's request at the August 14 and September 11, 2019 Planning Commission meetings, as well as the September 12, 2019 City Council meeting, to the October 23, 2019 Planning Commission meeting.

Public Input

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

Alternatives

- The City Council may approve the 245 Woodside Plat Amendment, as conditioned or amended; or
- The City Council may deny the 245 Woodside Plat Amendment, and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on the 245 Woodside Plat Amendment, and request additional information or analysis in order to make a recommendation.

Significant Impacts

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

Consequences of not taking recommended action

Consequences of not taking the recommended action is that the Site would continue to be one and a half (1½) Lots containing a Lot Line going through the structure with various unaddressed encroachments on the public Right-of-Way.

Summary Recommendation

Staff recommends the City Council review and hold a public hearing for the 245 Woodside Plat Amendment and consider approving the proposed Plat Amendment based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft Ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat (Attachment 1)

Exhibit B – Applicant's Project Intent
Exhibit C – Existing Conditions Survey
Exhibit D – Aerial Photograph
Exhibit E – County Plat Map
Exhibit F – Site Photographs
Exhibit G – Planning Director Determination September 26, 2019

Exhibit A – Draft Ordinance

Ordinance No. 2019-60

AN ORDINANCE APPROVING THE 245 WOODSIDE PLAT AMENDMENT LOCATED AT 245 WOODSIDE AVENUE, PARK CITY, UTAH.

WHEREAS, the property owners of the property located at 245 Woodside Avenue have petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on July 30, 2019, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on July 27, 2019, proper legal notice was published according to requirements of the Land Management Code and courtesy letters were sent to surrounding property owners; and

WHEREAS, the Planning Commission held public hearings on August 14, 2019, September 11, 2019, and on October 23, 2019 forwarded a positive recommendation to the City Council; and,

WHEREAS, on September 12, 2019 and December 5, 2019, 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 245 Woodside Plat Amendment, located at the same address.

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

SECTION 1. APPROVAL. The 245 Woodside 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 Site is located at 245 Woodside Avenue.
2. The Site is within the Historic Residential-1 District.
3. The subject Site consists of the northern half of Lot 11 and all of Lot 12, Block 31, within Park City Survey.
4. The proposed Plat Amendment creates one (1) Lot from one and a half (1½) Old Town Lots.
5. The Applicant is proposing to remove the interior Lot line between Lot 11 and Lot 12, Block 31, within Park City Survey to create one (1) Lot. The interior Lot line currently bisects the Duplex Dwelling.
6. The minimum Lot size within the Historic Residential-1 District is 1,875 square feet and 3,750 square feet for a Duplex Dwelling.

7. The proposed Lot size is 2,812 square feet. This does not meet the requirements for a Duplex Dwelling.
8. The minimum Lot width within the Historic Residential-1 District is twenty five feet (25').
9. The proposed Lot width is thirty-seven and half feet (37.5').
10. At the time of its construction, the site was located in the Residential-1 Zoning District. The project complied with the following:
 - a. Required Rear Setbacks of 10 feet; complied with a Rear Yard of 28.3 feet, measured.
 - b. Required Building Height of 35 feet; complied with a gable roof at 24 feet and 4 inches, as measured.
11. At the time of its construction, the site did not comply with the following:
 - a. Required Lot Width of 37.5 feet, measured 20 feet back from the Front Lot Line; did not comply as the Structure was built over a 25' wide Lot (Lot 12) and a 12.5' Lot (Lot 11, north half). The Lots together did total 37.5' at this time, but were not actually combined.
 - b. Required Lot Size of 3,000 square feet; did not comply as the Lot size would have been 1,875 square feet for Lot 12 and the north half of Lot 11 would have been 937.5 square feet. Combined, the Lots would have been about 2,812 square feet and would not have complied.
 - c. Required Side Yard Setbacks of 5 feet; did not comply with 3 foot setbacks along the north and south property lines. This is according to the 2010 Building Permit Existing Site Plan showing a Side Setback (north) of approximately 1.75 feet. The south Side Setback is 3 feet on this plan.
 - d. Required Front Setback of 20 feet; did not comply with a Front Setback of 9 feet.
12. Staff believes the Structure was originally built as a Duplex, based on the 1983 Planning Department Determination Letter (Attachment 1). It is undetermined whether the house originally abided by Front and Side Setback requirements, and parking requirements of two (2) parking spaces for a Duplex Dwelling, of the R-1 Zoning District without building plans.
13. In 1976, the Site was rezoned to the Historic Residential-1 (HR-1) Zoning District. The building complies the current HR-1 Zone Height of 27 feet and the Maximum Building Footprint of 1200.5 for the proposed Lot size of 2,812 square feet, per the proposed Plat Amendment. It also complies with the Rear (10 feet) and Side (south Side, 3 feet) setbacks; however, it does not comply with the required Lot Size for a Duplex Use of 3,750, or the Front Setback of 10 feet or Side (north) Setback of 3 feet.
14. As the Site is currently configured in the Front Yard area (east), with a parking area of 225 square feet (9 feet deep by 25 feet wide within the property lines), this site would not be able to accommodate the required 4 parking spaces for a Duplex per LMC 15-3-6.
15. In 2010, two (2) Building Permits were approved to 1) remodel the Structure from a Triplex to a Duplex (BD-10-15955) and 2) repair and add to the existing Front (east) decks, Side landings (south), and stairs (south), and add a Rear Yard deck (BD-10-15565).
16. Dwelling located at 245 Woodside Avenue does not comply with current Land Management Code requirements for a legal Non-complying Structure due to the encroachments in the Front and Side Setbacks, the lack of required parking for a Duplex Use, and the evidence on record related to this property; however, the Duplex

Use was allowed in 1974, per the 1968 enacted Zoning Code at the time, and our records indicate that in 1983 the Planning Department issued a letter acknowledging that the use was originally a Duplex Dwelling. There are two (2) sets of stairs on this Site that encroach onto the Woodside Avenue public Right- of-Way. The stairs along the southern property line have an existing Encroachment Agreement, recorded with Summit County as Entry No.00919262.

17. There is a deck on this Site that encroaches into the Woodside Avenue public Right-of-Way. The deck currently projects 9 feet, as measured, from the main Structure into the Front Setback, but also projects 5 feet, as measured, past the Front property line into the Right-of-Way. It is also 27.08 feet wide, as measured. The HR-1 Zone allowed for decks to be 10 feet wide and project into the Front Setback by 3 feet. The current deck configuration exceeds this requirement. Staff believes this was permitted as the deck was existing and the dimensions were not changing per the permit's (BD-10-15565) plans.
18. The Planning Commission held a public hearing and forwarded a positive recommendation to City Council on October 23, 2019.
19. 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. Although the Site currently has multiple aspects that do not conform with the Land Management Code, a Plat Amendment will prepare the property for future development by removing a bisecting Lot Line that is crossing through existing Structures. The non-complying aspects of the Site will not be allowed to be expanded.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding Lot combinations. The Plat Amendment does not modify any of the other exiting building or lot conditions.
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 Planner, City Attorney, and City Engineer will review and approve the final form and content of the Plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The Applicant shall record the Plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' 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. Prior to Plat recordation, the Applicant shall either remove the existing deck, retaining walls, paved Parking Area, and stairs (both sets) encroachments from the City Right-of-Way, or enter into an Encroachment Agreement with the City that includes these encroachments conditioned as the City Council deems appropriate. The Applicant is responsible of securing appropriate City approvals and permits before any work on the encroachments can begin. The City Council's, in addition to the City Engineer's, review and approval of the Encroachment Agreement for this 245 Woodside Plat Amendment application will be required.
4. The Applicant may repair or maintain the existing Structure provided that such repair or maintenance shall neither create any new non-compliance nor shall increase the degree of the existing non-compliances with the LMC. The Applicant may maintain and remodel the existing Duplex Dwelling. Should the more than 50% of the Gross Floor Area of the Structure be demolished, the Structure shall be brought into compliance with the Land Management Code at the time of application. As this site does not meet the minimum Lot Size requirements for a Duplex Dwelling, the Use will also need to be brought into compliance with the LMC at the time of application. The Applicant may maintain the existing Use of the site as a Duplex, but any deviation, expansion, or demolition of the existing Structure from this Use will need to come into compliance with the requirements of the HR-1 Zoning District at the time of the application. This is pursuant to [LMC 15-9-5](#).
5. Any future development will need to come into compliance with the Land Management Code and Historic District Design Guidelines in effect at the time of application.
6. Residential fire sprinklers are required for all new construction per requirements of the Chief Building Official, and shall be noted on the plat.
7. Ten foot (10') public snow storage easement shall be granted along the Woodside Avenue Right-of-Way.

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

PASSED AND ADOPTED this 5th day of December, 2019.

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, MAYOR

ATTEST:

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 Proposed Plat

[illegible]

EXHIBIT B

PROJECT INTENT

A portion of Lot 11 and all of Lot 12 are not considered one lot at 245 Woodside Avenue Park City Utah is the subject of this plat application. The original lot line is still located on my Survey. I would like to extinguish the exiting lot line to unity the property so that there will be one lot on record for this single-family residence.

The plan is to remodel part of the home. This plat amendment is needed to be granted initial approval would be done so that the owner can resurface and heat the driveway. At this point do to the pitch and the ice buildup on this carport is dangerous during the winter months for both cars and visitors to the home.



SYMBOL LEGEND	
---	DEED LINE
---	SURVEY BOUNDARY
---	FIELD FENCE
---	FOUND REBAR WITH CAP
---	SET REBAR WITH CAP
---	SET REBAR WITH CAP

SURVEYOR'S CERTIFICATE

I, SUZANNE HERRMANN, AN INDEPENDENT SURVEYOR, HAVE SURVEYED AND FOUND THAT THE SURVEY WAS PERFORMED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE STATE OF UTAH. I HEREBY CERTIFY THAT THE SURVEY WAS PERFORMED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE STATE OF UTAH.



CHUCK A. HERRMANN, P.E.

SURVEYOR'S NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO PROVIDE TOPOGRAPHIC INFORMATION TO AND IN THE SERVICE OF THE CLIENT. THE SURVEY WAS PERFORMED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE STATE OF UTAH. THE SURVEY WAS PERFORMED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE STATE OF UTAH.

DESCRIPTION

THE SURVEY WAS PERFORMED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE STATE OF UTAH. THE SURVEY WAS PERFORMED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE STATE OF UTAH.

BASIS OF BEARINGS

BASES OF BEARINGS: N27°38'15\"/>

VICINITY MAP

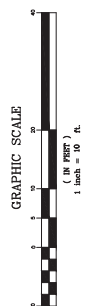
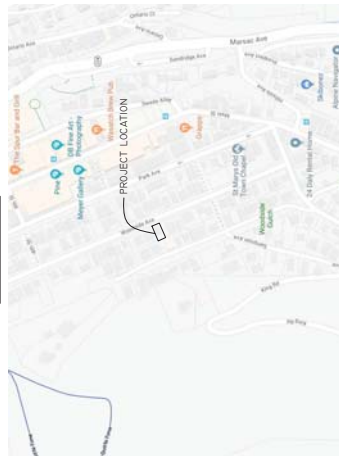
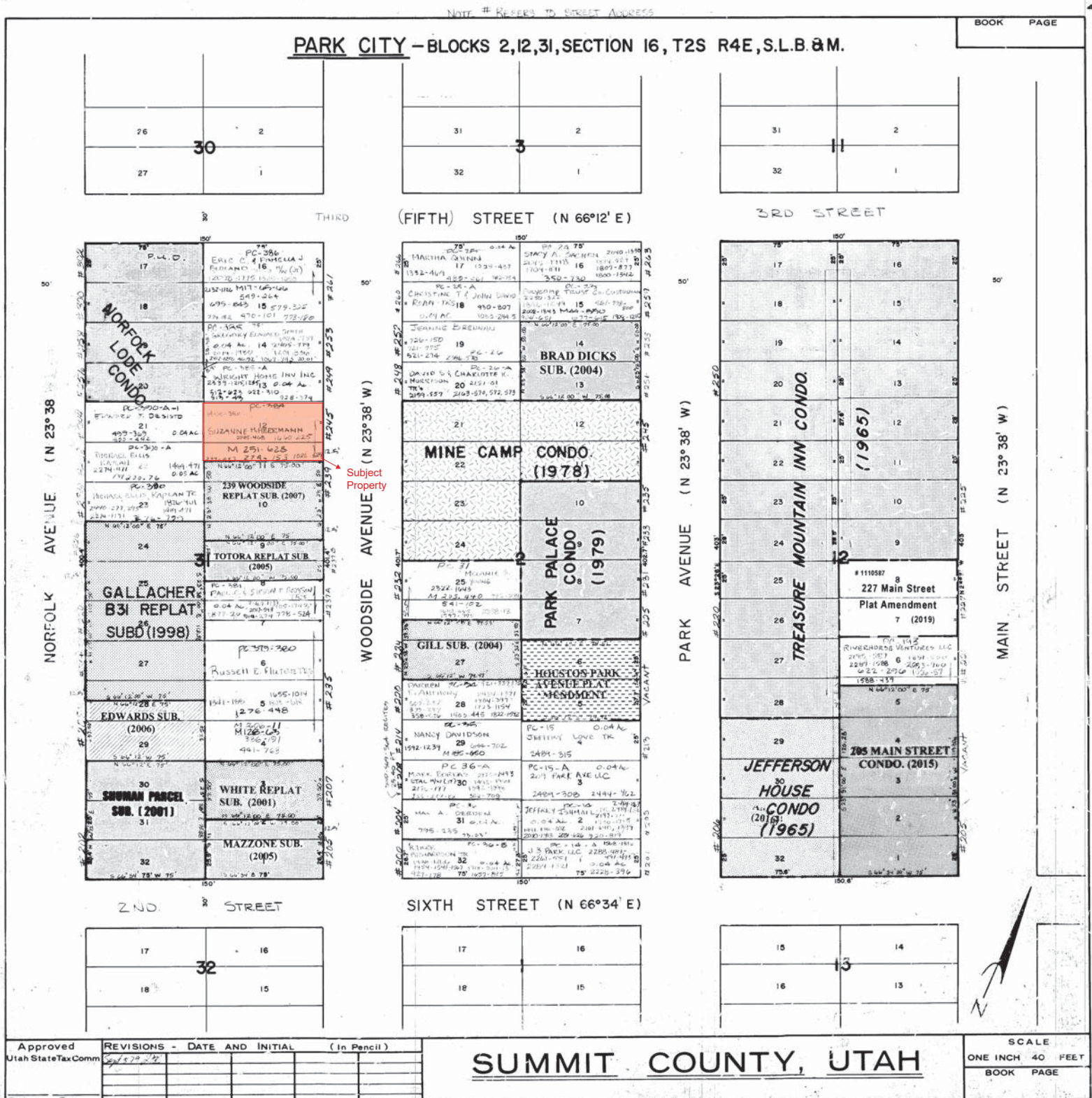


EXHIBIT D



EXHIBIT E



Approved	REVISIONS - DATE AND INITIAL (In Pencil)																
Utah State Tax Comm	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>NO.</th> <th>DATE</th> <th>INITIAL</th> </tr> <tr> <td>1</td> <td>5/15/15</td> <td></td> </tr> <tr> <td>2</td> <td></td> <td></td> </tr> <tr> <td>3</td> <td></td> <td></td> </tr> <tr> <td>4</td> <td></td> <td></td> </tr> </table>	NO.	DATE	INITIAL	1	5/15/15		2			3			4			
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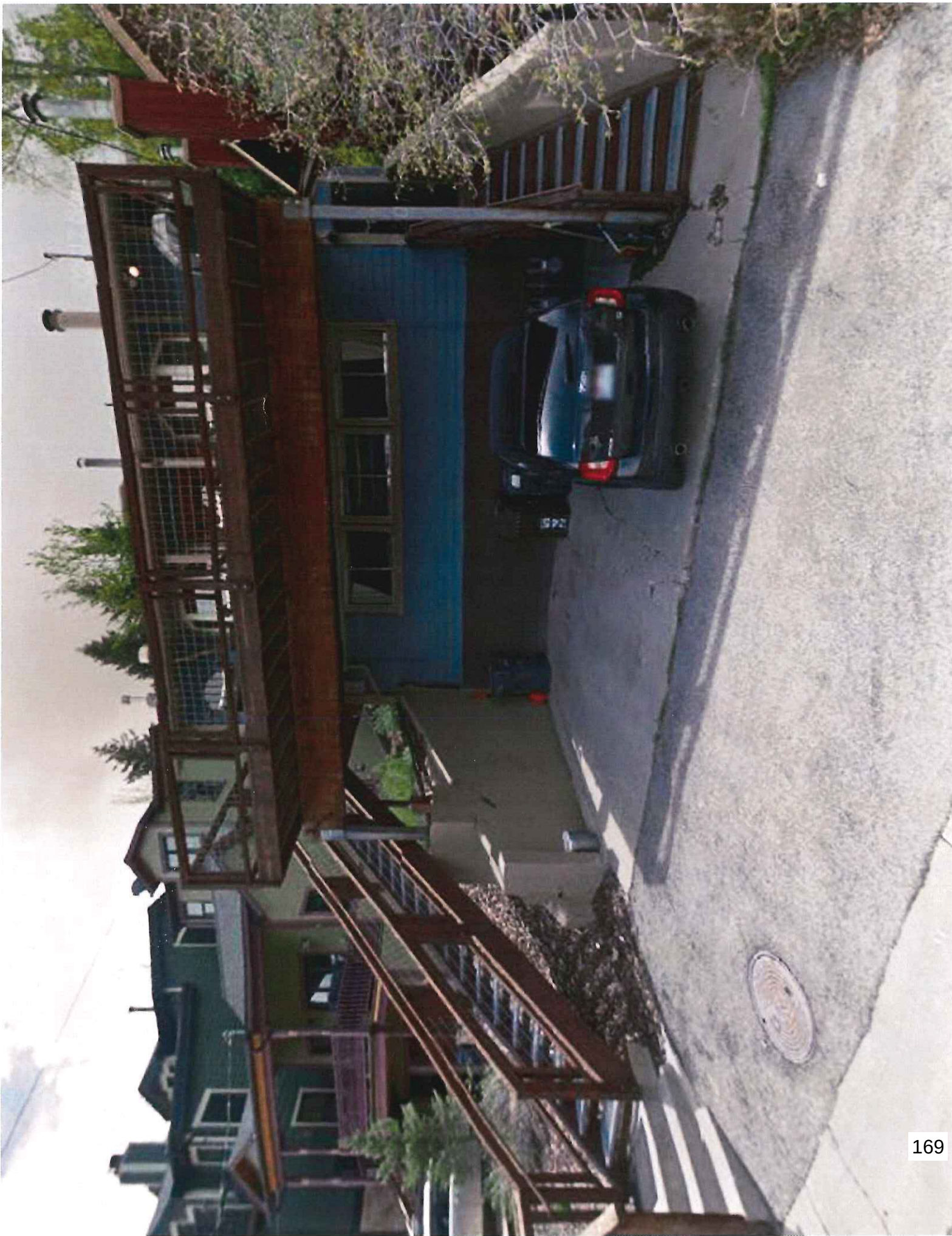
SUMMIT COUNTY, UTAH

Engineering Associates Inc.











September 27, 2019

Suzanne Herrmann
618 Ellsworth Drive
Silver Spring, MD 80910

NOTICE OF PLANNING DIRECTOR DETERMINATION:

Project Address:	245 Woodside Avenue
Project Description:	Planning Director Determination for Non-Complying Structure
Project Number(s):	PL-19-04209 – Plat Amendment
Date of Action:	September 27, 2019

ACTION TAKEN BY PLANNING DIRECTOR:

The Planning Director has made a determination that the existing Duplex Dwelling located at 245 Woodside Avenue does not comply with current Land Management Code requirements for a legal Non-complying Structure due to the encroachments in the Front and Side Setbacks, the lack of required parking for a Duplex Use, and the evidence on record related to this property; however, the Duplex Use was allowed in 1974, per the 1968 enacted Zoning Code at the time, and our records indicate that in 1983 the Planning Department issued a letter acknowledging that the use was originally a Duplex Dwelling. This Site is in the [Historic Residential \(HR-1\) Zoning District](#).

Duplex Use:

Per Summit County's records, the Structure on this Site was built in 1974. Staff has not found a record of a Building Permit for the original Structure. Based on a letter given to a Mr. William Dalquist on October 5, 1983 (Attachment 1) from the Park City Planning Department, the original Use of the Structure was a Duplex. Per approved Building Permit BD-10-15955, Suzanne Herrmann (current Applicant of Plat Amendment application PL-19-04209) converted this Structure from a Triplex (date of Triplex Construction unknown by staff) to a Duplex. Per the 1968 Land Management Code, which was in effect in 1974, this Site was within the Residential (R-1) Zoning District. At the time, a Two-family dwelling was a Permitted Use. This was defined at the time as "A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units." See Attachment 2 – Chapter 10, page 18 of the 1968 Park City, Utah Zoning, Subdividing and Mobile Homes Code (currently known as the LMC). Currently, this Use would be considered a Duplex per the definition in [LMC 15-15 Defined Terms](#). The Site is now within the HR-1 Zoning District and a Duplex Dwelling is a Conditional Use per [LMC 15-2.2-2](#). Staff has determined that, based on the evidence on file, this Site does not require a Conditional Use Permit for the Duplex Use, as this was an allowed Use in the R-1 Zone at the time of the Structure's construction.

Parking:

Currently, the Site has a parking area of 23' wide x 9' deep, as measured, within the Front Yard area. This parking area is connected to a paved area within the Right-of-Way, which is 25' W x 15.5' L, as measured. This measured area varies due to the adjacent retaining walls and stairs. Per [LMC 15-3-3\(F\)](#), this is not considered a Parking Space due to the area within the property being less than 18' deep. A Duplex Use requires two (2) parking spaces per Dwelling Unit, equaling four (4) total, per [LMC 15-3-6](#). The current Site does not meet this parking requirement for the Duplex Use.

Per the 1968 Code requirements (Attachment 2 – Section 67-6-2 on page 13), one (1) parking space was required per Dwelling Unit. As this was a Duplex, it would have required two (2) spaces. The 1968 Code does not specify required Parking Space dimensions, but does specify in Section 67-6-4 (page 14) that Parking Spaces shall be on the same Lot with the Main Building. Without an original site plan or building plans from 1978, staff cannot determine if this Site originally met parking requirements for a Duplex Use. Based on the existing records, staff has determined the Site does not meet parking requirements of the 1968 Code, nor the current Code. If the City Engineering Office were to grant an Encroachment Agreement for the existing parking on the Site, it is possible this would bring this Structure up to the required two (2) parking spaces of the 1968 Code, but as the Site is currently configured it would not be able to achieve the required four (4) parking spaces of the current LMC requirements. If this Agreement is not granted, then the Applicant would need to provide the required two (2) parking spaces within the property lines, per the 1968 Code.

Encroachments on Site:

At the time of its construction, the Site was located in the Residential-1 (R-1) Zoning District. In 1976, the Site was (and currently is) within the [Historic Residential-1 \(HR-1\)](#) Zoning District. At the time of its construction in 1974, based on City records, the house did not comply with all the requirements of the LMC. See table below. 2010 LMC requirements are the same as 2019 for the HR-1 Zoning District. This LMC table is intended to relate to the 1974 construction of the Structure, the 2010 Building Permits listed in this letter, as well as current requirements for future development.

	1968 LMC Requirements for R-1 Zoning District	2010 LMC Requirements for HR-1 Zoning District	Current Conditions
Lot Size	3,000 Square Feet (SF)	3,750 SF for a Duplex	Plat proposes 2,812; does not comply
Lot Width	37.5 feet, measured 20 feet back from the Front Lot Line	25 feet, measured 15 feet back from the Front Lot Line.	Plat proposes 37.5 feet; complies
Footprint	Not required	1200.5 SF	1, 090 SF as measured;

<i>complies</i>			
Side Setback	5 feet	3 feet; total of 6 feet	1.75 (north portion of house) and 3 (south) feet, as measured; <i>north does not comply, south complies</i>
Rear Setback	10 feet	10 feet	16 feet as measured to the Rear Yard patio, 28.3 feet as measured to the Main Building; <i>complies</i>
Front Setback	20 feet	10 feet	9 feet as measured; <i>does not comply</i>
Building Height	35 feet	27 feet from Existing Grade	24 feet 4 inches as measured; <i>complies</i>

Staff has record of a Building Permit (Permit 1590-83) application submitted on September 29, 1983 allowing for replacement of demolished stairs on the south side of the property, but no plans have been found.

On December 9, 2009, a Historic District Design Review Pre-application (PL-09-00849) was applied for to discuss proposed changes to the existing front (east) deck, and the two (2) side (north and south) stairways. A letter approving the changes to the Site was issued on April 16, 2010. See Attachment 3 – Approval letter for Historic District Design Review Pre-application PL-09-00849. The letter states that the stairs were allowed to be a stair reconstruction/code upgrade as they were currently located, as opposed to the proposal of changing the stair location.

Per the issued 2010 Building Permit (permit BD-10-15565) for the exterior deck and stairs, the Existing Site Plan shows an existing wood deck, concrete retaining walls, and two existing stairways in the Front Yard crossing the Front (east) Lot Line; along with existing stairs and landings running along the side (south) property line. The Proposed Site Plan shows these Site details as being replaced in-kind (the front deck), being relocated and replaced (the south, front stairs), or being replaced and expanded (the south landing and stairs becoming new stairs, landing areas, and a Rear Yard deck). The Front Yard Deck, and portions of the two staircases and retaining walls extend into the Right-of-Way. The only Encroachment Agreement found through Summit County is Entry 00919262 for the concrete stairs on the south, Side Lot Line (Attachment 4). See images below – 1) Existing Site Plan at the time of submittal of BD-10-15565 and 2) Proposed Site Plan from Building Permit BD-10-15565. The stairs were allowed to be repaired/upgraded per the Historic District Design Pre-application approval letter (Attachment 3) and the Building Permit was approved on July 7, 2010.

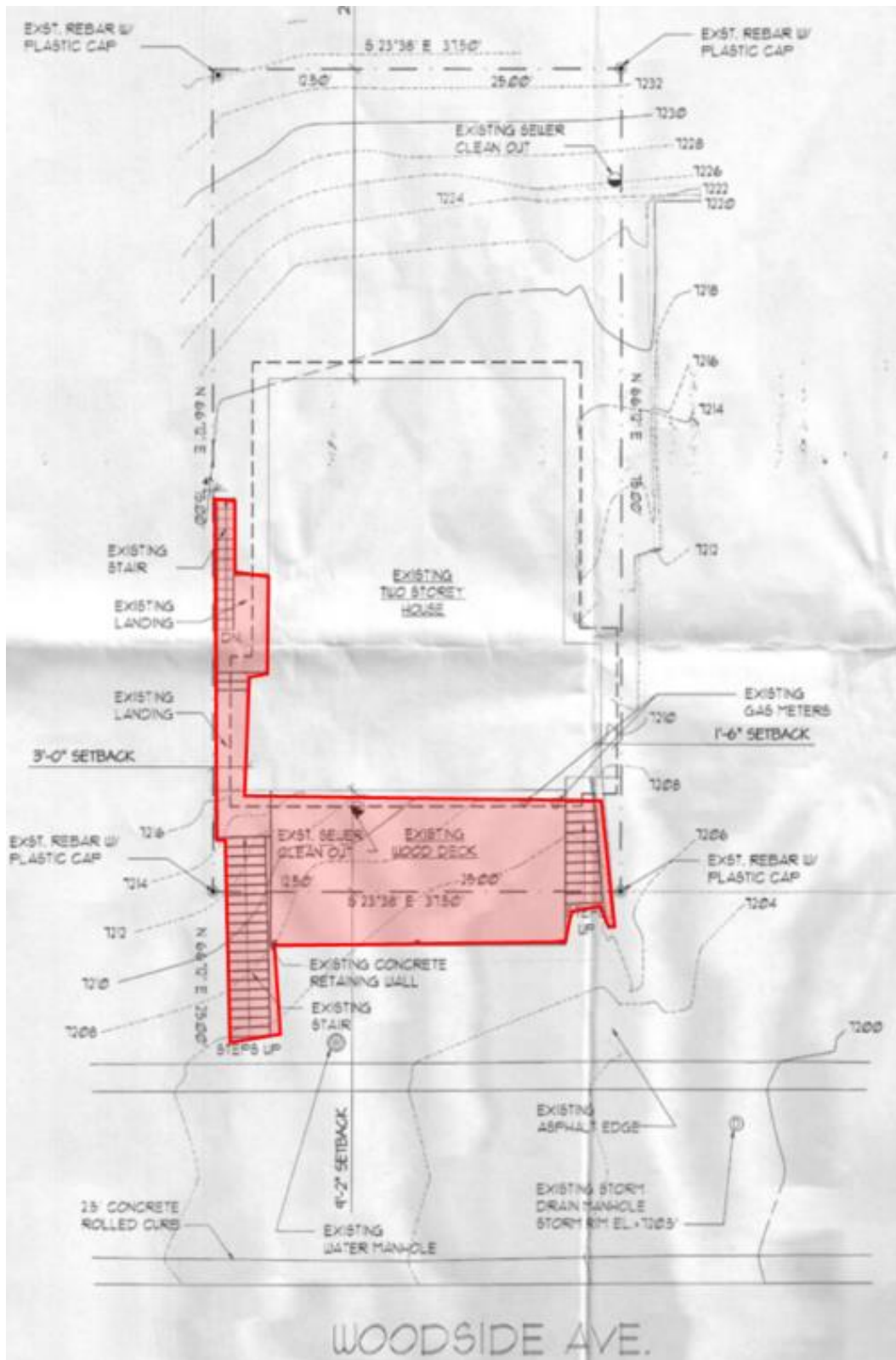


Image 1 Existing Site Plan at the time of submittal of BD-10-15565

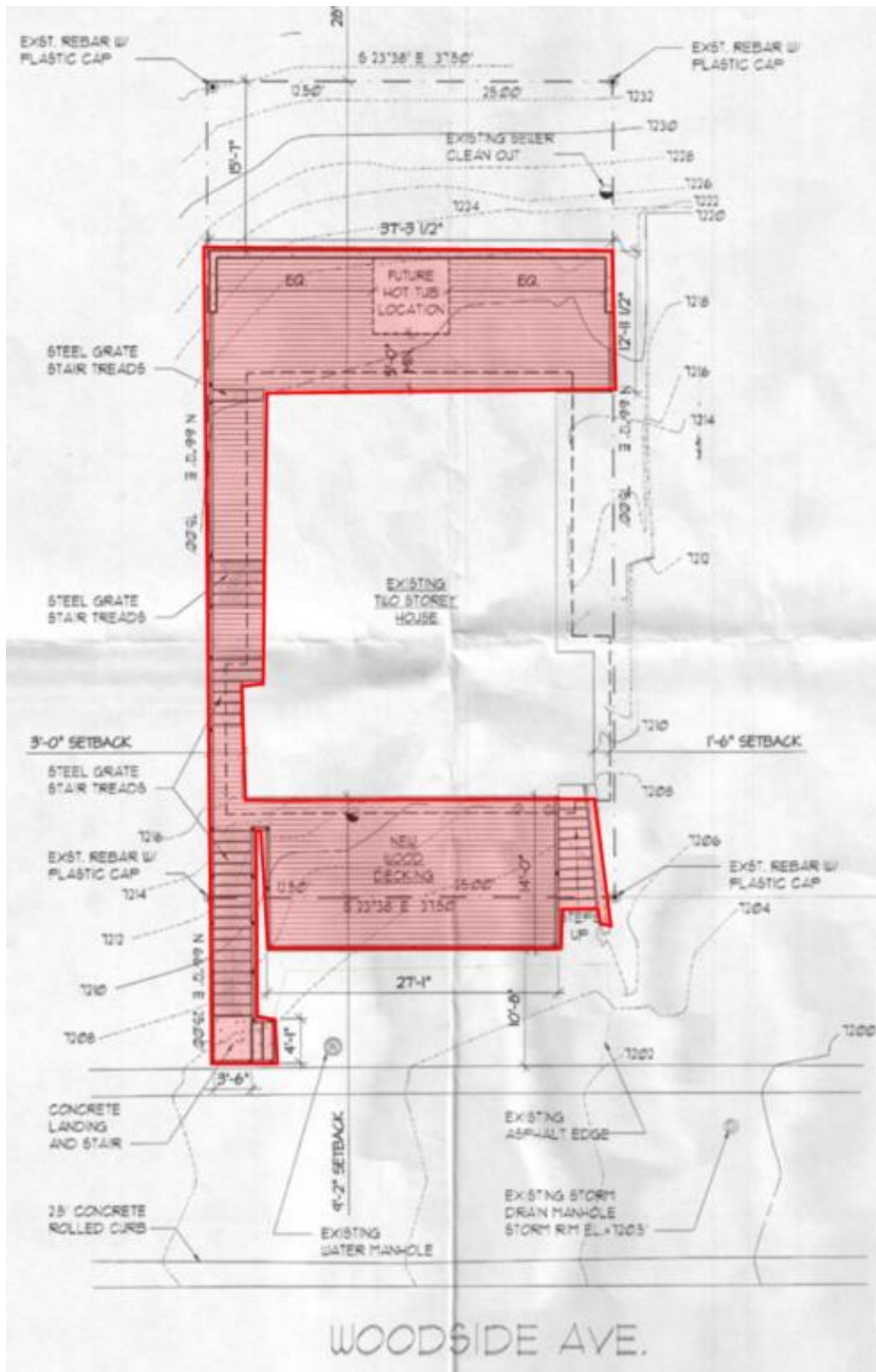


Image 2 Proposed Site Plan of BD-10-15565

In 2010, per BD-10-15565, the Side Yard stairs and Front Yard deck were to be added onto, altered, and repaired. The deck currently projects 9 feet, as measured, from the main Structure into the Front Setback, but also projects 5 feet, as measured, past the Front property line into the Right-of-Way. It is also 27.08 feet wide, as measured. The HR-1 Zone allowed for decks to be 10 feet wide and project into the Front Setback by 3 feet. The current deck configuration exceeds this requirement. Staff believes this was permitted as the deck was existing and the dimensions were not changing per the permit's (BD-10-15565) plans. The HR-1 Zone allows for stairs to be within the Side Setback, but may not exceed 30" in height from final grade. The stairs exceed this height within both the north and south Side Setback areas. See image below. This image is intended as a reference to show stair heights exceeding 30" from final grade. As the south Side Yard stairs allow for access into the upper Dwelling Unit, staff believes those stairs are needed for emergency egress and may be maintained and repaired, consistent with the Encroachment Agreement (Attachment 4) recorded with Summit County on March 21, 2011 as Entry No. 00919262.



Street view of 245 Woodside Avenue

As staff has no record of the original plans of the Structure when it was built in 1974, and the Applicant has not been able to produce said plans for staff to review, staff cannot determine if the Structure has been out of compliance with the LMC since its construction or if it has been altered to a state of non-compliance. Therefore, the Planning Director finds that the existing Duplex Structure does not comply with requirements of the Land Management Code to deem this a legal Non-complying Structure. The Duplex Use itself complies, per the Planning Department Determination in Attachment 1 indicating the Structures original Use that was allowed per the 1968 Zoning Code.

The proposed Plat Amendment would prepare the Site for future development on a combined Lot, as the Structure currently exists with a Lot Line running through it, but will not remedy the existing encroachments or the lack of required parking for the Duplex Use. Although a Plat Amendment will remove the Lot line and create one Lot of record, any future development would be required to come into compliance with the Land Management Code in effect at that time.

The Planning Director has made this determination based on the following Findings of Fact and Conditions of Approval:

Findings of Fact:

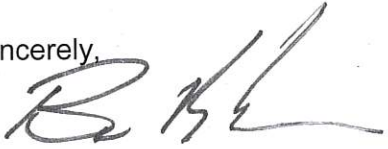
1. The Site is located at 245 Woodside Avenue.
2. This Site is within the Historic Residential (HR-1) Zoning District.
3. The legal description for the Lot is the north ½ of Lot 11 and all of Lot 12, Block 31 of the Park City Survey. The Lot was platted in 1880, as part of the original Park City Survey that created hundreds of 25 foot by 75 foot Lots platted throughout the residential neighborhoods surrounding Main Street.
4. Based on the survey submitted for the aforementioned Plat Amendment, the proposed Lot will be combining the north ½ of Lot 11 and all of Lot 12 to measure 2,812 square feet.
5. At the time of its construction, the site was located in the Residential-1 Zoning District. The project complied with the following:
 - a. Required Rear Setbacks of 10 feet; **complied** with a Rear Yard of 28.3 feet, measured.
 - b. Required Building Height of 35 feet; **complied** with a gable roof at 24 feet and 4 inches, as measured.
6. At the time of its construction, the site did not comply with the following:
 - a. Required Lot Width of 37.5 feet, measured 20 feet back from the Front Lot Line; **did not comply as the Structure was built over a 25' wide Lot (Lot 12) and a 12.5' Lot (Lot 11, north half). The Lots together did total 37.5' at this time, but were not actually combined.**
 - b. Required Lot Size of 3,000 square feet; **did not comply** as the Lot size would have been 1,875 square feet for Lot 12 and the north half of Lot 11 would have been 937.5 square feet. Combined, the Lots would have been about 2,812 square feet and would not have complied.
 - c. Required Side Yard Setbacks of 5 feet; **did not comply** with 3 foot setbacks along the north and south property lines. This is according to the 2010 Building Permit Existing Site Plan showing a Side Setback (north) of approximately 1.75 feet. The south Side Setback is 3 feet on this plan.
 - d. Required Front Setback of 20 feet; **did not comply** with a Front Setback of 9 feet.
7. Staff believes the Structure was originally built as a Duplex, based on the 1983 Planning Department Determination Letter (Attachment 1). It is undetermined whether the house originally abided by Front and Side Setback requirements, and parking requirements of two (2) parking spaces for a Duplex Dwelling, of the R-1 Zoning District without building plans.
8. In 1976, the Site was rezoned to the Historic Residential-1 (HR-1) Zoning District. The building complies the current HR-1 Zone Height of 27 feet and the Maximum Building Footprint of 1200.5 for the proposed Lot size of 2,812 square feet, per the proposed Plat Amendment. It also complies with the Rear (10 feet) and Side (south Side, 3 feet) setbacks; however, it does not comply with the required Lot Size for a Duplex Use of 3,750, or the Front Setback of 10 feet or Side (north) Setback of 3 feet.
9. As the Site is currently configured in the Front Yard area (east), with a parking area of 225 square feet (9 feet deep by 25 feet wide within the property lines), this site would not be able to accommodate the required 4 parking spaces for a Duplex per [LMC 15-3-6](#).
10. In 2010, two (2) Building Permits were approved to 1) remodel the Structure from a Triplex to a Duplex (BD-10-15955) and 2) repair and add to the existing Front (east)

decks, Side landings (south), and stairs (south), and add a Rear Yard deck (BD-10-15565).

11. The Planning Director has made a determination that the existing Duplex Dwelling located at 245 Woodside Avenue does not comply with current Land Management Code requirements for a legal Non-complying Structure due to the encroachments in the Front and Side Setbacks, the lack of required parking for a Duplex Use, and the evidence on record related to this property; however, the Duplex Use was allowed in 1974, per the 1968 enacted Zoning Code at the time, and our records indicate that in 1983 the Planning Department issued a letter acknowledging that the use was originally a Duplex Dwelling.

If you have any questions regarding this determination, please don't hesitate to contact the Planning Department at 435-615-5060.

Sincerely,



Bruce Erickson, AICP
Planning Director

CC: Liz Jackson, Planner

Exhibits:

Attachment 1 – Duplex Use Determination Letter from Planning Department dated October 5, 1983

Attachment 2 – Chapter 10, page 18 of the 1968 Park City, Utah Zoning, Subdividing and Mobile Homes Code

Attachment 3 – Approval letter for Historic District Design Review Pre-application PL-09-00849

Attachment 4 – Encroachment Agreement Entry No. 00919262 for concrete stairs in Right-of-Way

EXHIBIT G ATTACHMENT 1



Community Development/Engineering
Building and Planning Departments

October 5, 1983

Mr. William Dalquist
4086 Riverdale Road
Ogden, Utah 84403

Re: 245 WOODSIDE - Park City, Utah 84060

Dear Mr. Dalquist:

While working with you on your building permit application for the window remodel and exterior stair addition to your building located at 245 Woodside, it came to our attention that at some point in the building's history it was converted from a duplex to a triplex without City approval. From an on site inspection it appears the building was originally built as a duplex with one unit above and one below. It has two water, sewer, gas and electrical connections which would also indicate a duplex configuration.

We understand that as the new owner of the building you intend to use the building as a duplex. We are happy to see the building being used for its originally approved use, otherwise we would be forced to require you to eliminate the use of a third unit. The building cannot legally be used as a triplex. Any interior or exterior changes you wish to make to the building would require a building permit.

If you have any questions regarding this matter, please contact me at 649-6714.

Sincerely,

Alison Child
Planner I

AC:ew

EXHIBIT G ATTACHMENT 2

-18-

67-9-7. REAR YARD REGULATIONS.

The minimum depth of the rear yard for all main buildings shall be twenty (20) feet, and for all accessory buildings one (1) foot except on corner lots which rear on the side of another lot, accessory buildings shall not be located closer than six (6) feet.

67-9-8. HEIGHT REGULATIONS.

No building shall be erected to a height greater than two and one-half (2-1/2) stories or thirty-five (35) feet and no dwelling shall be erected to a height of less than one (1) story.

CHAPTER 10. RESIDENTIAL ZONE R-1

67-10-1. PERMITTED USES.

- (1) Agriculture.
- (2) Single-family dwelling.
- (3) Two-family dwelling.
- (4) Accessory buildings and uses customarily incidental to the main use.
- (5) Signs, identification, name plate, property, public information, temporary.

67-10-2. CONDITIONAL USES.

- (1) Animal and fowl grazing, pasturing or housing.
- (2) Cemetery.
- (3) Child nursery.
- (4) Golf Course.
- (5) Home occupation.
- (6) Planned unit development meeting the provisions of Chapter 17 of this Ordinance.
- (7) Private recreational grounds and facilities.
- (8) Private educational institutions.
- (9) Public and semi-public buildings and uses.
- (10) Temporary buildings and uses incidental to construction work.

67-10-3. AREA REGULATIONS.

The minimum lot area shall be three thousand (3,000) square feet.

67-10-4. WIDTH REGULATIONS.

The minimum width of any lot shall be thirty-seven and one-half (37-1/2) feet, at a distance of twenty (20) feet back from the front lot line.

67-10-5. SIDE YARD REGULATIONS.

- (1) The minimum side yard for any dwelling or other building shall be



Building • Engineering • Planning

April 16, 2010

Suzanne Herman
245 Woodside
Don Bloxom
PO Box 980
Park City, UT 84098

NOTICE OF PLANNING DEPARTMENT ACTION

<u>Application #</u>	PL-09-00849
<u>Subject</u>	245 Woodside Avenue
<u>Description</u>	Repair and reconstruct stairs – non-historic
<u>Action Taken</u>	Took to Design Review Team on December 9, 2009

Date of Action On April 16, 2010 the City Council approved LMC Amendments that allow this application to be submitted directly to Building Department for a building permit.

The Planning Director determined that the proposed stair project, as revised to be a stair reconstruction/code upgrade of the stairs as they are currently located, may be submitted for a building permit. The building permit is subject to compliance with the Historic Design Guidelines and the Land Management Code, however a full design review is not required.

If you have questions regarding your project or the action taken please don't hesitate to contact me at 435-615-5066 or at kirsten@parkcity.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirsten A. Whetstone".

Kirsten A. Whetstone, AICP
Senior Planner

When recorded please return to:
Park City Municipal Corporation
Attn: City Engineer
PO Box 1480
Park City UT 84060

ENCROACHMENT PERMIT

245 Woodside (street address)

THIS AGREEMENT is made by and between PARK CITY MUNICIPAL CORPORATION (City) and Seane Arrington (Owner(s)) to set forth the terms and conditions under which the City will permit the Owner to build, maintain, and use certain improvements within the City property and right-of-way at 245 Woodside Drive (street address), Park City, Utah. Subject to the following terms and conditions of this agreement, Owner shall have the right to construct and maintain The Stairs within the City right-of-way of 245 Woodside Dr. (street name).

1. This encroachment agreement shall be appurtenant to the following described property: Block 31 Lot 11 the N 1/2 of Lot 11 (lot # and subdivision)
Property

This agreement is not transferable to other property, but is freely transferable with the title to this lot. The license and conditions as stated in the agreement, are binding on the successors in title or interest of Owner(s). **Owner(s) shall attach a current title report as part of this application.** (6 mths)

2. The improvements permitted within the street right-of-way shall consist of Concrete Stairs. Attach a scaled drawing, labeled as ATTACHMENT 'A', showing the improvements and the location of all related elements, on 8 1/2 "x 11" or 11"x 17" paper. No modifications to the improvements may be made without prior written permission from Park City Municipal Corporation.

3. The City may, at some future date, elect to make improvements to 245 Woodside (street name) at this location and widen the streets to full width of the right-of-way and City property and/or to install utilities (or allow such installation by franchised utilities). To the extent that any improvements or utility work requires the removal, relocation, replacement, and/or destruction of the improvements the Owner(s) may have been using within the City property right-of-way, the Owner(s) waives any right to compensation for the loss of improvements and loss of the use of the street right-of-way and/or change in the grade and elevation of the street. This waiver of compensation, in the event the improvements are removed for any reason whatsoever in the sole determination of Park City, is the consideration given for the granting of this encroachment permit.

4. Prior to installing City improvements in, along or adjacent to the street or installing utilities in a manner that will require the removal or relocation of the improvements, the City will endeavor to give the Owner(s) sixty (60) days notice, in which time the Owner(s) shall make adjustments and remodel the improvements as necessary to accommodate the changes in the street width, utilities, and-or grade at the Owner(s) cost. Park City and its franchised utilities will attempt to save as much of the Owner(s) improvements as possible but in no way guarantees any salvage value whatsoever.

5. No permanent right, title, or interest of any kind shall vest in the Owner(s) in the street right-of-way by virtue of this agreement. The property interest hereby created is a revocable license, and not an easement or other perpetual interest. No interest shall be perfected under the doctrines of adverse possession, prescription, or other similar doctrines of law based on adverse use, as the use hereby permitted is entirely permissive in nature.

Please see side 2

ENTRY NO. 00919262

03/21/2011 09:51:42 AM B: 2074 P: 0230

Encroachment PAGE 1/7

ALAN SPRIGGS, SUMMIT COUNTY RECORDER

FEE 0.00 BY PARK CITY MUNICIPAL CORPORATION



6. The Owner(s) or his/her successor shall maintain the improvements in a good state of repair at all times, and upon notice from the City, will repair any damaged, weakened, or failed sections. The Owner(s) agree(s) to hold the City harmless and indemnify the City for any and all claims which might arise from third parties, who are injured as a result of the Owner's use of the right-of-way for private purposes, or from the failure of the Owner's improvements.

7. This agreement shall be in effect until the license is revoked by the City. Revocation shall be effected by the City regarding a notice of revocation with the Summit County Recorder and sending notice to Owner or the Owner's successor.

DATED this 17 day of MARCH, 2011

PARK CITY MUNICIPAL CORPORATION

[Signature]
Matt Cassel, P.E.,
City Engineer

Attest: Jennifer Byrd

[Signature]
Owner's Signature

Suzanne Hermann
Owner's Name (Printed)

68 Ellsworth Dr. Silver Spring md
Mailing Address 20910

703-795-0406
email address or phone number

STATE OF ~~UTAH~~ MD)
)
COUNTY OF ~~SUMMIT~~)
)
P.G.

On the 4th day of February, 2011,
_____ personally appeared before me Suzanne Hermann who, being first
duly sworn and upon oath, and in full recognition of the penalty for perjury in the State of Utah, did
acknowledged to me that she/he is the Owner(s) of the property or, if the Owner(s) is a Corporation, that
she/he is an authorized representative of the Corporation, and that she/he signed the foregoing instrument
on their behalf.

HUGH A. ANDERSON
NOTARY PUBLIC
PRINCE GEORGES COUNTY
MARYLAND
MY COMMISSION EXPIRES JANUARY 14, 2012

[Signature]
Notary Public

MISCELLANEOUS REPORT

**First American Title Insurance Agency, LLC
1755 Prospector Ave., Suite A-100, Park City, UT 84060
Phone: 435.655.6800 | Fax: 435.655.6801**

Order No: 041-5281153

Charge: \$350.00

Re: Property Owners: Suzanne Herrmann

EFFECTIVE DATE: at 7:30 A.M.

IN WITNESS WHEREOF the said Company has caused these presents to be signed by its duly authorized officer on 03/01/2010, at Park City, .

FIRST AMERICAN TITLE INSURANCE AGENCY, LLC

By: _____
 Authorized Signatory

**PLEASE DIRECT ANY INQUIRIES RELATIVE TO THE CONTENTS OF THIS REPORT TO: TITLE
OFFICER: Chris Merback, and ESCROW OFFICER: at , .**

SCHEDULE A

1. The estate or interest in the land described or referred to in this report and covered herein is fee simple and title thereto is at the effective date hereof vested in:

Suzanne Herrmann

SCHEDULE B

Exceptions

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interest or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easements or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments and any other facts which a correct survey would disclose, and which are not shown by public records.
5. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
6. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
7. Taxes for the year 2010 now a lien, not yet due. General property taxes for the year 2009 were paid in the amount of \$ 4,075.44. Tax Parcel No. PC-384.
8. The land is included within the boundaries of Park City, Park City Water Special Service District, and Snyderville Basin Water Reclamation District., and is subject to charges and assessments made thereby.
9. Ordinance 82-3 dated January 28, 1982, wherein the City Council of Park City, Utah, established the Redevelopment Agency of Park City, and adopting the Neighborhood Development Program entitled "Park City Neighborhood Development Plan" recorded February 16, 1982 as Entry No. 188603 in Book 212 at page 148 of Official Records.

Notice of Approval of the Amendment to the Park City Neighborhood Redevelopment Plan dated October 18, 1990, recorded November 2, 1990 as Entry No. 332260 in Book 585 at page 147 of Official Records.
10. Easements, notes and restrictions as shown on the recorded plat.
11. Any and all outstanding oil and gas, mining and mineral rights, etc., together with the right of the proprietor of a vein or lode to extract his ore therefrom should the same be found to penetrate or intersect the premises and the right of ingress and egress for use of said rights.

03/01/2010

Escrow No.: **041-5281153 (cam)**

12. A Trust Deed With Power of Sale and Assignment of Rents dated November 05, 2004 by and between Suzanne Herrmann as Trustor in favor of Founders Title Company as Trustee and Beverly Dahlquist as Trustee for The Beverly A. Dahlquist under Trust Agreement dated January 08, 1997 as Beneficiary, to secure an original indebtedness of \$425,000.00 and any other amounts or obligations secured thereby, recorded November 15, 2004 as Entry No. 716904 in Book 1660 at Page 226 of Official Records.

The name(s) Suzanne Herrmann , has/have been checked for judgments, State and Federal tax liens, and bankruptcies and If any were found, are disclosed herein.

SCHEDULE C

Description

The land referred to in this report is situated in the County of Summit, State of UT, and is described as follows:

THE NORTH ONE-HALF OF LOT 11, AND ALL OF LOT 12, BLOCK 31, PARK CITY SURVEY, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.

Said property is also known by the street address of:
245 Woodside Avenue, Park City, UT 84060

PC-384

City Council Staff Report

Subject: The Lift Lodge at Town Lift, Second Amended Plat
Address: 875 Main Street
Project Number: PL-19-04341
Author: Hannah M. Tyler, AICP, Senior Planner
Date: December 5, 2019
Type of Item: Administrative – Condominium Plat Amendment

Summary Recommendations

Staff recommends the City Council hold a public hearing for the Lift Lodge at Town Lift, Second Amended Condominium Plat and consider approving the proposal based on the findings of fact, conclusions of law, and recommended conditions of approval as found in the draft ordinance.

Executive Summary/Proposal

The applicant is proposing to alter ownership of common areas, three (3) residential units, and one (1) commercial unit. Units affected include: Unit C, Unit 206, Unit 202, and Unit 302. On November 13, 2019, the Planning Commission reviewed the proposed Condominium Plat Amendment and forwarded a unanimous positive recommendation to City Council.

Description

Applicant: The Lift Lodge Association, Inc.
Location: 875 Main Street
Zoning: Historic Resort Commercial (HRC) – regulated under Historic Commercial Business (HCB) per “1992 Agreement”
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action

Background

June 9, 1982 – The City entered into the 1982 Huntsman-Christensen Agreement, also known as the “1982 Agreement,” in which Park City exchanged property and promised to allow development within specified parameters on the Huntsman-Christensen property in exchange for title to Deer Valley Drive (see Exhibit E). This included the subject property of this application and granted additional building height by redefining natural grade for the site and vested the HCB zoning for the site (regardless of any future rezones).

September 19, 1991 – The City Council issued a conceptual approval for the Town Lift Project area. This included the property which has become the Summit Watch, Town Lift, and Lift Lodge developments.

April 16, 1992 – As a part of the Sweeney Town Lift project approval, the 1982 Agreement was modified, becoming the “1992 Agreement” (see Exhibit F). This amendment clarified interpretation and application of Building Height according to

the redefined natural grade. Staff reports from this project have indicated that the purpose of the amendment was to “establish a new baseline and the old agreement would have no relevance even if the [Lift Lodge] MPD was never developed.”

June 11, 1997 – The Planning Commission approved the McIntosh Mill CUP for a mixed use building (the Lift Lodge) at this location. The building was constructed in 1998.

July 8, 1998 – The Planning Commission approved the Parking Management Plan for the McIntosh Mill CUP at this location.

May 26, 1999 – The Planning Commission approved modifications to this CUP for 875 Main Street converting some of the approved commercial space to residential space, decreasing parking demand. The changes were internal to the building and consistent with the LMC; they did not affect the exterior of the building.

June 3, 1999 – The City Council approved The Lift Lodge at Town Lift condominium conversion plat which was recorded on August 3, 1999.

August 30, 2018 – The City Council approved the Lift Lodge at Town Lift, First Amended Condominium Plat which created new roof top common area (Exhibit B).

October 18, 2019 – The Planning Department approved a Historic District Design Review (HDDR) application for a rooftop deck.

October 9, 2019 – The City deemed the proposed Condominium Plat Amendment complete.

November 13, 2019 – The Planning Commission reviewed the proposed Condominium Plat Amendment and forwarded a unanimous positive recommendation to City Council.

Purpose

The purpose of the Historic Recreation Commercial (HRC) District can be found in [LMC Section 15-2.5](#), and the purpose of the Historic Commercial Business (HCB) District can be found in [LMC Section 15-2.6](#).

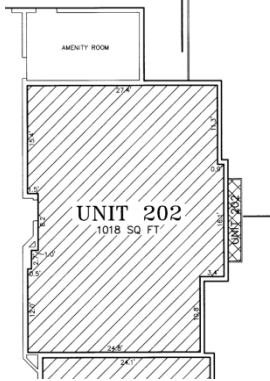
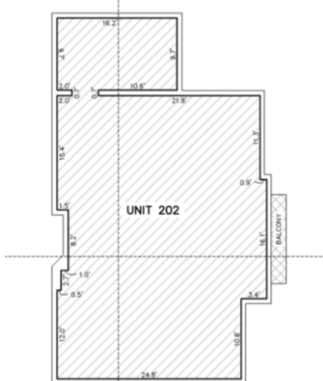
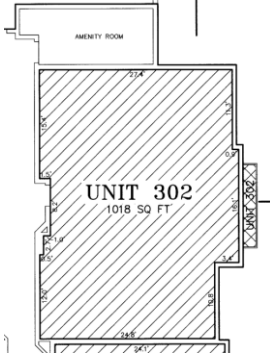
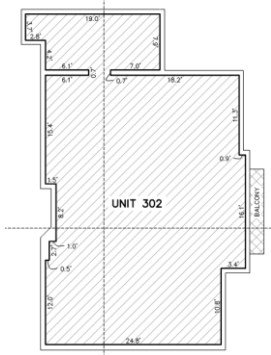
Analysis

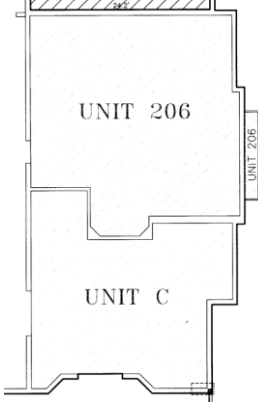
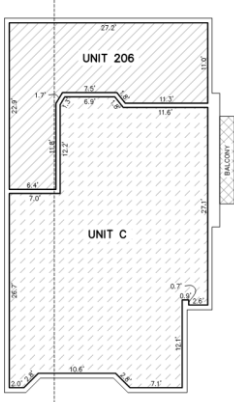
The proposed Condominium Plat Amendment has been reviewed for compliance with the following Land Management Code Sections: [15-4-12](#), [15-7.1-3\(C\)](#), [15-12-15\(B\)\(9\)](#). The proposed Condominium Plat Amendment alters ownership of common areas, three (3) residential units, and one (1) commercial unit. Units affected include: Unit C, Unit 206, Unit 202, and Unit 302. The following chart outlines the proposed changes in unit sizes:

Unit	Existing	Proposed	Addition
101	948 SF	No Change	
102	1186 SF	No Change	
103	1000 SF	No Change	
104	967 SF	No Change	
105	894 SF	No Change	

201	949 SF	No Change	
202	1018 SF	1117 SF	+99 SF
203	996 SF	No Change	
204	956 SF	No Change	
206	738 SF	363	-376 SF
301	943 SF	No Change	
302	1018 SF	1159 SF	+141 SF
303	996 SF	No Change	
304	956 SF	No Change	
305	1457 SF	No Change	
306	799 SF	No Change	
A	1225 SF	No Change	
B	776 SF	No Change	
C	550 SF	909 SF	+451 SF

The following excerpts compare the existing units to the proposed units for visual representation of the proposed amendments.

Existing	Proposed
UNIT 202 <i>Conversion of common area (amenity room) to private area.</i>	
1018 SF	1117 SF (+99 SF)
	
UNIT 302 <i>Conversion of common area (amenity room) to private area.</i>	
1018 SF	1159 SF (+141 SF)
	

Existing		Proposed
UNIT 206 and UNIT C		
Reduction in Unit 206 to allocate square footage to Unit C. Unit 206 balcony converted to limited common area.		
UNIT 206:	738 SF	363 SF (-376 SF)
UNIT C:	550 SF	909 SF (+451 SF)
		

The original Conditional Use Permit approval for the subject Lift Lodge building was for the construction of a mixed use building with a total building floor area of 37,001 square feet. This was approved with 13 condominium units averaging 950 square feet in area (and 12,381 net square feet), 842 square feet of support commercial uses, and 3,554 square feet of net leasable commercial space (4,442 gross square feet of commercial space). This approval included 8,654 square feet of parking and storage, as approved with the Parking Management Plan.

The Lift Lodge was ultimately constructed with 16 residential units after a previous modification to the CUP. The units averaged less than 1,000 square feet and ranged in floor area from 681 square feet to 1,455 square feet. There were approximately 2,515 square feet of commercial uses (reduced from 5,100 square feet) and located at the south end of the building.

The proposed changes do not alter the number of units, and the size of the units still average less than 1,000 square feet (980 square feet). The units now range in size from 363 square feet to 1,457 square feet. The size of the commercial increased by 451 square feet. These changes do not increase the parking requirements.

Parking

All parking associated with the building is accommodated within the common parking structure the Lift Lodge shares with the Town Lift development. The parking structure beneath the Lift Lodge provides a total of 28 code compliant spaces, which is sufficient for the proposed change in use. A total of 24 spaces are required for the 16 residential units and retail space. The proposed changes to the residential units and commercial unit do not increase parking requirements.

Access

Access to the underground parking structure is off Ninth Street. Secondary access is provided from the adjacent parking structure which has access to Park Avenue. Cross access agreements between this property owner and the adjacent owners have been signed and recorded at the County before the condominium plat was recorded.

HCB Regulations

This property falls under the 1992 Agreement which amended the original 1982 Agreement between the Hunstman-Christensen properties and the City in exchange for property dedication for Deer Valley Drive. This Agreement allows affected properties, including 875 Main Street, to apply LMC regulations for the HCB Zoning District for development regardless of any future zone changes (including the Frontage Protection Overlay Zone).

The existing building complies with all LMC requirements as allowed by the 1992 Agreement. There are no exterior changes with the proposed Condominium Plat Amendment. In addition to the HCB zoning requirements, all conditions of approval of the McIntosh Mill CUP continue to apply and are not affected by the proposed Condominium Plat Amendment.

Good Cause

Staff finds good cause for this plat amendment as the proposed units comply with the underlying Land Management Code Requirements, 1992 Agreement, and McIntosh Mill CUP conditions of approval. This amendment will allow the property owner to make improvements and changes to the existing structure as allowed by the LMC and Historic District Design Guidelines.

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 § 15-1-18.

Department Review

This project has been reviewed by Planning, Engineering, Legal, and Executive.

Notice

On October 30, 2019, the property was posted and notice was mailed to affected property owners within 300 feet. Legal notice was also published in the Park Record on October 26, 2019.

Public Input

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

Alternatives

- The City Council may approve the Lift Lodge at Town Lift, Second Amended plat as conditioned or amended; or

- The City Council may deny the Lift Lodge at Town Lift, Second Amended plat and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on the Lift Lodge at Town Lift, Second Amended plat.

Significant Impacts

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

Consequences of not taking recommended action

The applicant would not be allowed to alter the unit sizes as proposed. The building would remain as-is.

Summary Recommendation

Staff recommends the City Council hold a public hearing for the Lift Lodge at Town Lift, Second Amended Condominium Plat and consider approving the proposal based on the findings of fact, conclusions of law, and recommended conditions of approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance and Proposed Plat
Exhibit B – The Lift Lodge at Town Lift, First Amended Condominium Plat (existing plat)
Exhibit C – Aerial
Exhibit D – Applicant Statement
Exhibit E – 1982 Agreement
Exhibit F – 1992 Agreement Amending the 1982 Agreement
Exhibit G – Site Photos

Ordinance No. 2019-61

AN ORDINANCE APPROVING THE LIFT LODGE AT TOWN LIFT, SECOND AMENDED PLAT LOCATED AT 875 MAIN STREET, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 875 Main Street have petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on October 26, 2019, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on October 30, 2019, proper legal notice was published according to requirements of the Land Management Code and courtesy letters were sent to surrounding property owners; and

WHEREAS, the Planning Commission held a public hearing on November 13, 2019, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on November 13, 2019, forwarded a positive recommendation to the City Council; and,

WHEREAS, on December 5, 2019, 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 Lift Lodge at Town Lift, Second Amended plat located at 875 Main Street.

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

SECTION 1. APPROVAL. The Lift Lodge at Town Lift, Second Amended plat, 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. In 1991, the Planning Commission and City Council approved a concept plan for the Town Lift Project which included the Lift Lodge Condominium project currently under review.
2. On June 11, 1997, the Planning Commission approved a CUP to allow a mixed use structure at this location. This CUP was subsequently modified on May 26, 1999. The existing building was constructed in 1998.
3. The Parking Management Plan for this location was approved by the Planning Commission on July 8, 1998.

4. The subject property falls under the 1982 Huntsman-Christensen Agreement which specified HCB zoning for the site and established an artificial natural grade for height measurements.
5. The 1982 Agreement was amended on April 16, 1992 to redefine artificial natural grade.
6. The Lift Lodge at Town Lift condominium conversion plat was approved by City Council on March 4, 1998 and recorded on August 3, 1999.
7. On August 30, 2018, the City Council approved the Lift Lodge at Town Lift, First Amended Condominium Plat which created new roof top common area.
8. On October 9, 2019, the City deemed the proposed Condominium Plat Amendment complete.
9. On November 13, 2019, the Planning Commission reviewed the proposed Condominium Plat Amendment and forwarded a unanimous positive recommendation to City Council.
10. The proposed Condominium Plat Amendment alters ownership of common areas, three (3) residential units, and one (1) commercial unit. Units affected include: Unit C, Unit 206, Unit 202, and Unit 302.
11. The original Conditional Use Permit approval for the subject Lift Lodge building was for the construction of a mixed use building with a total building floor area of 37,001 square feet. This was approved with 13 condominium units averaging 950 square feet in area (and 12,381 net square feet), 842 square feet of support commercial uses, and 3,554 square feet of net leasable commercial space (4,442 gross square feet of commercial space). This approval included 8,654 square feet of parking and storage, as approved with the Parking Management Plan.
12. The Lift Lodge was ultimately constructed with 16 residential units after a previous modification to the CUP. The units averaged less than 1,000 square feet and ranged in floor area from 681 square feet to 1,455 square feet. There were approximately 2,515 square feet of commercial uses (reduced from 5,100 square feet) and located at the south end of the building.
13. The proposed changes do not alter the number of units, and the size of the units still average less than 1,000 square feet (980 square feet). The units now range in size from 363 square feet to 1,457 square feet. The size of the commercial space has also increased to 451 square feet. These changes do
14. The subject property falls within the HRC zone, but uses the HCB regulations according to the 1982 Agreement amended in 1992.
15. All parking associated with the building is accommodated within the common parking structure the Lift Lodge shares with the Town Lift development.
16. The parking structure beneath the Lift Lodge provides a total of 28 code compliant spaces, which is sufficient for the proposed change in use. A total of 24 spaces are required for the 16 residential units and retail space.
17. Access to the underground parking structure is off Ninth Street. Secondary access is provided from the adjacent parking structure which has access to Park Avenue.
18. The applicant has not violated any terms of the original CUP approval.

19. On October 30, 2019, the property was posted and notice was mailed to affected property owners within 300 feet. Legal notice was also published in the Park Record on October 26, 2019.
20. As of this date, no public input has been received by Staff.
21. The Findings in the Analysis Section are incorporated herein.

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, including [15-4-12](#), [15-7.1-3\(C\)](#), [15-12-15\(B\)\(9\)](#), and applicable State law regarding condominium plat amendments.
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. All Conditions of Approval of the original Lift Lodge at Town Lift condominium plat and any subsequent modifications continue to apply.
2. The City Planner, 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 (1) years' 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.
4. Residential fire sprinklers will be required for all new construction per requirements of the Chief Building Official.

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

PASSED AND ADOPTED this 5th day of December 2019.

PARK CITY MUNICIPAL CORPORATION

MAYOR

DATE

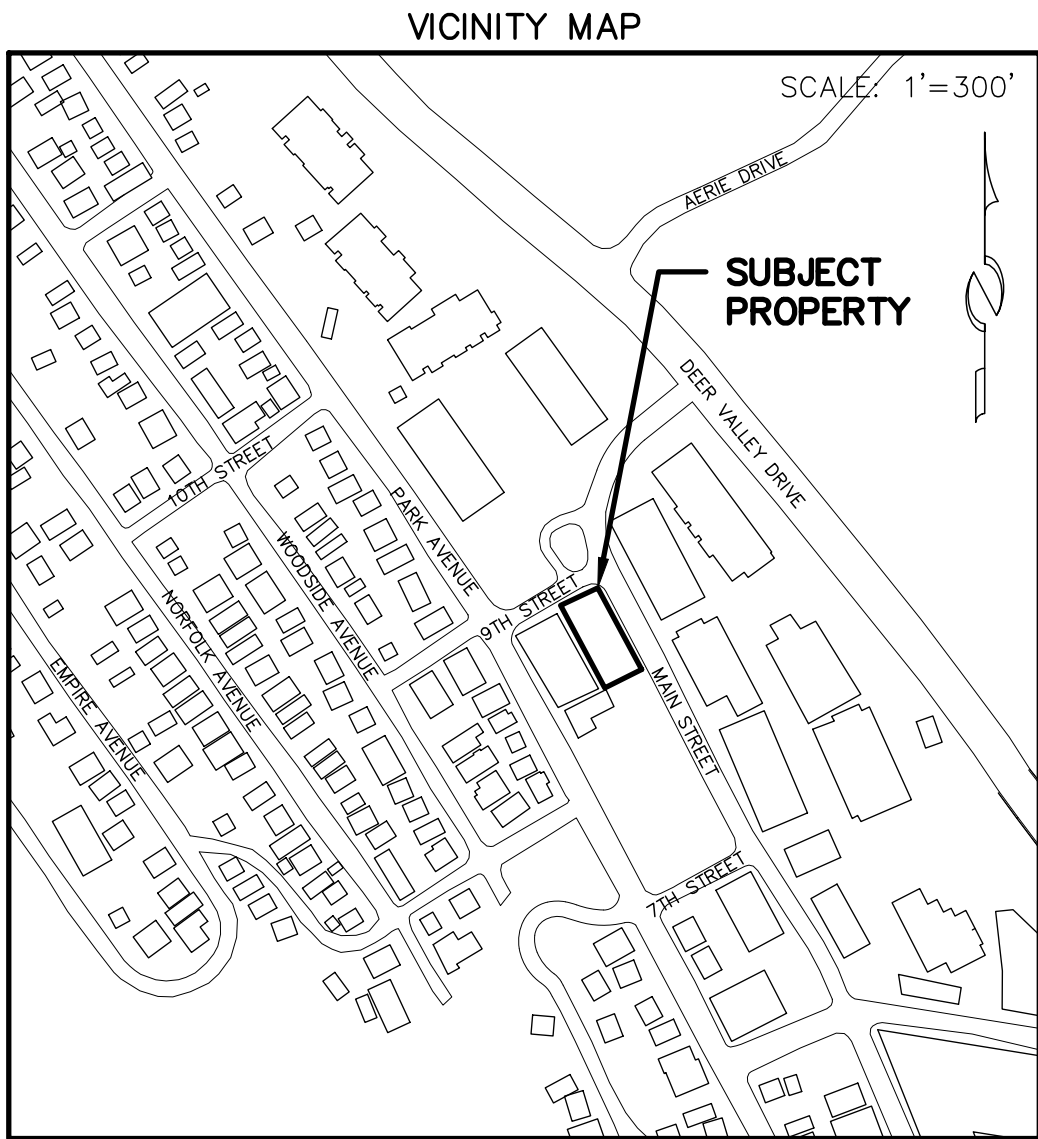
ATTEST:

City Recorder

APPROVED AS TO FORM:

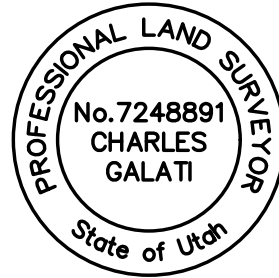
City Attorney

Attachment 1 – Proposed Plat



OWNERSHIP LEGEND

- COMMON AREAS AND FACILITIES
- PRIVATE RESIDENTIAL OWNERSHIP
- PRIVATE COMMERCIAL OWNERSHIP (See note 3)
- LIMITED COMMON AREAS AND FACILITIES



SURVEYOR'S CERTIFICATE

I, Charles Galati, do hereby certify that I am a Professional Land Surveyor and that I hold Certificate No. 7248891 as prescribed by the laws of the State of Utah, and that I have caused to be made under my direction and by the authority of the owners, THE LIFT LODGE AT TOWN LIFT-SECOND AMENDED, in accordance with the provisions of the Utah Condominium Ownership Act. I further certify that the information shown hereon is correct.

LEGAL DESCRIPTION

Units 206 and C, THE LIFT LODGE AT TOWN LIFT, a Utah Condominium Project, together with each unit's appurtenant undivided interest in the Common Areas and Facilities, according to the Record of Survey Map recorded August 3, 1999 as Entry no. 545622 and in the Declaration of Condominium for The Lift Lodge at Town Lift recorded August 3, 1999 as Entry No. 545623 in Book 1279 at Page 260 and in the First Amendment to Condominium Declaration recorded July 29, 2011 as Entry No. 927222 in Book 2089 at page 1822 and in the Amended and Restated Declaration of Condominium recorded May 30, 2019 as Entry No. 1111709, records of Summit County, Utah.

Units 202 and 302, FIRST AMENDMENT TO THE LIFT LODGE AT TOWN LIFT, a Utah Condominium Project, together with each unit's appurtenant undivided interest in the Common Areas and Facilities, according to the Record of Survey Map recorded May 30, 2019 as Entry no. 1111708 and in the Declaration of Condominium for The Lift Lodge at Town Lift recorded August 3, 1999 as Entry No. 545623 in Book 1279 at Page 260 and in the First Amendment to Condominium Declaration recorded July 29, 2011 as Entry No. 927222 in Book 2089 at page 1822, and in the Amended and Restated Declaration of Condominium recorded May 30, 2019 as Entry No. 1111709, records of Summit County, Utah.

ASSOCIATION CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS, that the undersigned, on behalf of THE LIFT LODGE ASSOCIATION, INC., a Utah nonprofit corporation, having complied with the requirements of both Statutes and the Amended and Restated Declaration of Condominium and Declaration of Covenants, Conditions, and Restrictions for The Lift Lodge at Town Lift, hereby consent to the recording of this amended record of survey map.

Vanessa Carrington, President, by Dean Peters, attorney-in-fact
THE LIFT LODGE ASSOCIATION, INC., a Utah nonprofit corporation

Dean Peters, Secretary/Treasurer
THE LIFT LODGE ASSOCIATION, INC., a Utah nonprofit corporation

ACKNOWLEDGMENT

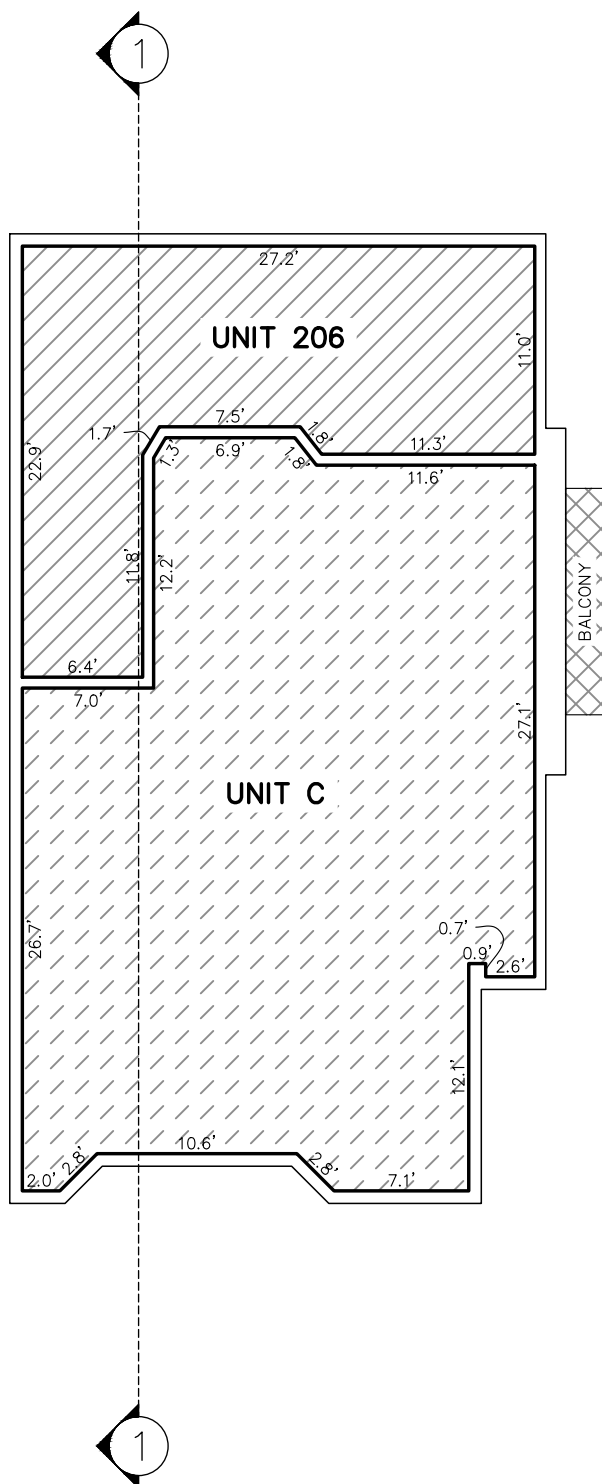
STATE OF UTAH)
: ss.
COUNTY OF SUMMIT)

On this _____ day of _____, 2020, personally appeared before me, the undersigned Notary Public, in and for said County and State, Dean Peters, being duly sworn, acknowledged to me that he is the attorney-in-fact for Vanessa Carrington, an individual, for the limited purpose of executing in the name of and for said Vanessa Carrington the above Association Consent to Record, and that he is the Secretary/Treasurer of The Lift Lodge Association, Inc., a Utah nonprofit corporation, and that the above Association Consent to Record was signed for, on, and in behalf of all of the unit owners at The Lift Lodge at Town Lift acting as a group (under the name of The Lift Lodge Association, Inc., a Utah nonprofit corporation) in accordance with the Utah Condominium Ownership Act, U.C.A., Sections 57-1-1 et seq. (1963) as amended and supplemented, and the Amended and Restated Declaration of Condominium and Declaration of Covenants, Conditions, and Restrictions for The Lift Lodge at Town Lift.

By: _____
Notary Public
Printed Name _____ My Commission Expires: _____
Residing in: _____ Commission No. _____

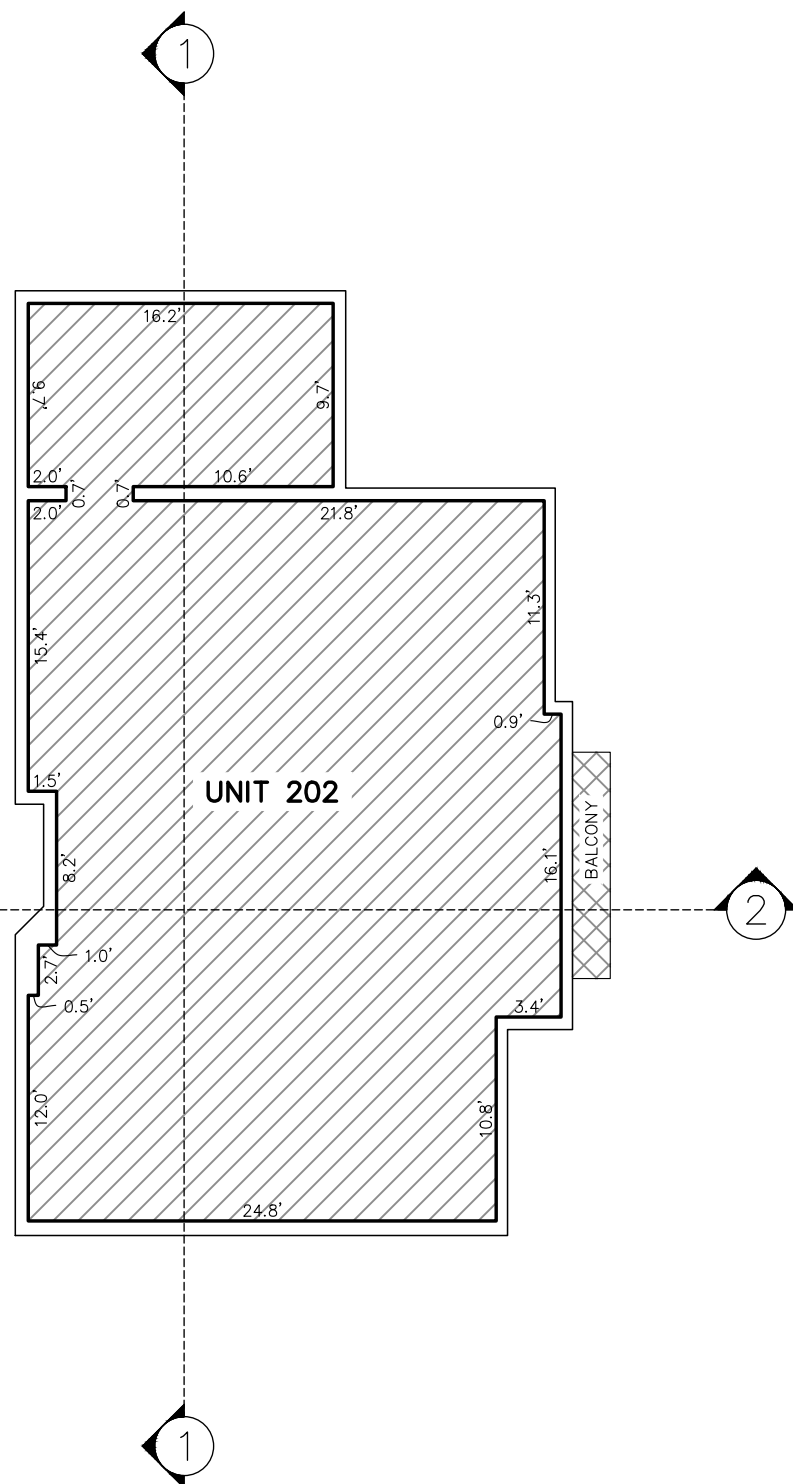
NOTES

- This plat amendment is subject to the Conditions of Approval in Ordinance 2020-_____.
- All Conditions of Approval of The Lift Lodge at Town Lift recorded August 3, 1999, as Entry No. 545622 and First Amendment To The Lift Lodge At Town Lift recorded May 30, 2019, as Entry No. 1111708 shall continue to apply and remain in full force and effect.
- May be converted to Private Residential Ownership, subject to compliance with the terms of the Amended and Restated Declaration of Condominium and Declaration of Covenants, Conditions and Restrictions for The Lift Lodge at Town Lift (see Ownership Legend).
- Residential fire sprinklers will be required for all new construction per requirements of the Chief Building Official.



SECOND LEVEL

UNIT NUMBER	SQUARE FOOTAGE
202	1,177 SF
206	363 SF
C	909 SF



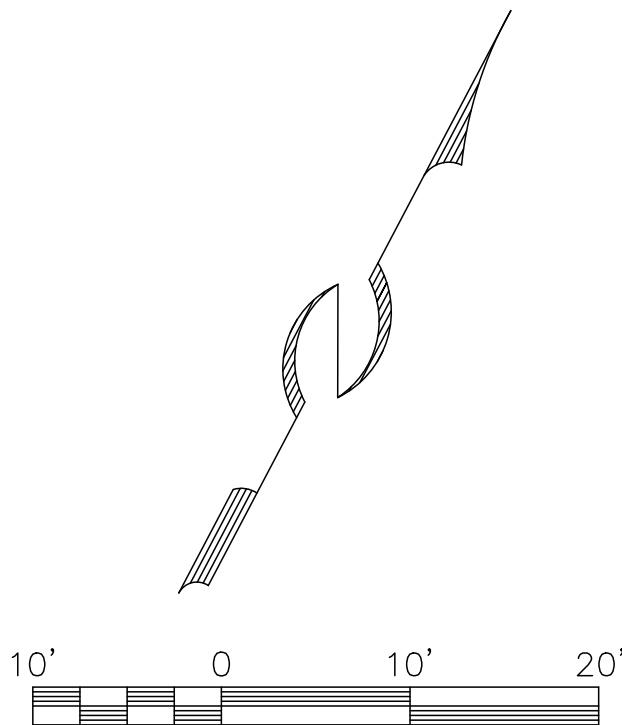
THIRD LEVEL

UNIT NUMBER	SQUARE FOOTAGE
302	1,159 SF

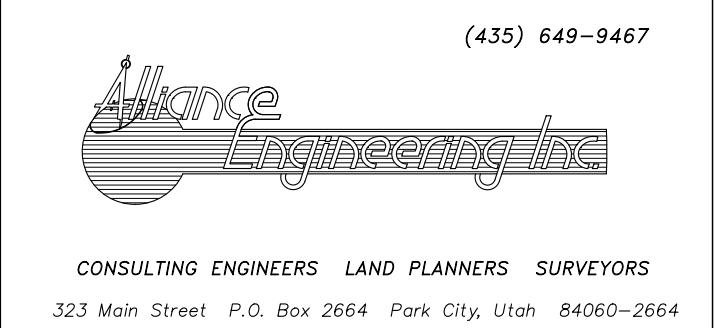
THE LIFT LODGE AT TOWN LIFT-SECOND AMENDED

AMENDING UNITS 202, 206, 302 & UNIT C

A UTAH CONDOMINIUM PROJECT
LOCATED IN THE NORTHEAST QUARTER SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



SHEET 1 OF 2



PUBLIC SAFETY
ANSWERING POINT APPROVAL
APPROVED THIS _____ DAY
OF _____, 2020
BY _____
SUMMIT COUNTY GIS COORDINATOR

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER
RECLAMATION DISTRICT STANDARDS ON THIS _____
OF _____, 2020
BY _____
S.B.W.R.D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY
PLANNING COMMISSION THIS _____
DAY OF _____, 2019
BY _____ CHAIR

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN
ACCORDANCE WITH INFORMATION ON
FILE IN MY OFFICE THIS _____
DAY OF _____, 2020
BY _____
PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS _____
DAY OF _____, 2020
BY _____
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY
MAP WAS APPROVED BY PARK CITY
COUNCIL THIS _____ DAY
OF _____, 2020
BY _____
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY
COUNCIL THIS _____ DAY OF _____, 2020
BY _____ MAYOR

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF _____
DATE _____ TIME _____ BOOK _____ PAGE _____
ENTRY NO. _____ FEE _____ RECORDER _____

Know all by these presents that the owners of Unit 202, and whose Unit is affected by the contents of THE LIFT LODGE AT TOWN LIFT–SECOND AMENDED, hereby certify that they have caused this Condominium Plat to be prepared, and we, MARK A. RUELLE and SANDRA S. RUELLE, husband and wife as joint tenants, do hereby consent to the recordation of this Condominium Plat.

In witness whereof the undersigned has executed this certificate and consent this ____ day of _____, 2020.

Mark A. Ruelle

Sandra S. Ruelle

ACKNOWLEDGMENT

STATE OF _____)
: ss.
COUNTY OF _____)

On this _____ day of _____, 2020, Mark A. Ruelle personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, that he acknowledged to me that he executed THE LIFT LODGE AT TOWN LIFT–SECOND AMENDED.

By: _____
Notary Public

Printed Name

Residing in: _____

My Commission Expires: _____

Commission No.: _____

ACKNOWLEDGMENT

STATE OF _____)
: ss.
COUNTY OF _____)

On this _____ day of _____, 2020, Sandra S. Ruelle personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, that she acknowledged to me that she executed THE LIFT LODGE AT TOWN LIFT–SECOND AMENDED.

By: _____
Notary Public

Printed Name

Residing in: _____

My Commission Expires: _____

Commission No.: _____

Know all by these presents that REMEDIAL PROPERTIES LLC, a Utah limited liability company, the owner of Unit 206, and whose Unit is affected by the contents of THE LIFT LODGE AT TOWN LIFT–SECOND AMENDED hereby certifies that it has caused this Condominium Plat to be prepared, and does hereby consent to the recordation of this Condominium Plat.

In witness whereof the undersigned has executed this certificate and consent this ____ day of _____, 2020.

Dean Peters, Manager
REMEDIAL PROPERTIES LLC, a Utah limited liability company

ACKNOWLEDGMENT

STATE OF _____)
: ss.
COUNTY OF _____)

On this _____ day of _____, 2020, Dean Peters personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he is a Manager of REMEDIAL PROPERTIES LLC, a Utah limited liability company, and that said document was signed by him on behalf of said limited liability company by authority of its Operating Agreement or Resolution of its Members, and he acknowledged to me that he executed THE LIFT LODGE AT TOWN LIFT–SECOND AMENDED.

By: _____
Notary Public

Printed Name

Residing in: _____

My Commission Expires: _____

Commission No.: _____

Know all by these presents that the owner of Unit 302, and whose Unit is affected by the contents of THE LIFT LODGE AT TOWN LIFT–SECOND AMENDED, hereby certify that she has caused this Condominium Plat to be prepared, and I, VANESSA C. CARRINGTON, trustee of the VANESSA C. CARRINGTON REVOCABLE TRUST dated 7/18/07, do hereby consent to the recordation of this Condominium Plat.

In witness whereof the undersigned has executed this certificate and consent this ____ day of _____, 2020.

Vanessa C. Carrington, Trustee

ACKNOWLEDGMENT

STATE OF _____)
: ss.
COUNTY OF _____)

On this _____ day of _____, 2020, Vanessa C. Carrington personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that she is the Trustee of the VANESSA C. CARRINGTON REVOCABLE TRUST dated 7/18/07, and that said document was signed by her on behalf of said Trust by authority of the Trust, and she acknowledged to me that she executed THE LIFT LODGE AT TOWN LIFT–SECOND AMENDED.

By: _____
Notary Public

Printed Name

Residing in: _____

My Commission Expires: _____

Commission No.: _____

Know all by these presents that REMEDIAL PROPERTIES LLC, a Utah limited liability company, the owner of Unit C, and whose Unit is affected by the contents of THE LIFT LODGE AT TOWN LIFT–SECOND AMENDED hereby certifies that it has caused this Condominium Plat to be prepared, and does hereby consent to the recordation of this Condominium Plat.

In witness whereof the undersigned has executed this certificate and consent this ____ day of _____, 2020.

Dean Peters, Manager
REMEDIAL PROPERTIES LLC, a Utah limited liability company

ACKNOWLEDGMENT

STATE OF _____)
: ss.
COUNTY OF _____)

On this _____ day of _____, 2020, Dean Peters personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he is a Manager of REMEDIAL PROPERTIES LLC, a Utah limited liability company, and that said document was signed by him on behalf of said limited liability company by authority of its Operating Agreement or Resolution of its Members, and he acknowledged to me that he executed THE LIFT LODGE AT TOWN LIFT–SECOND AMENDED.

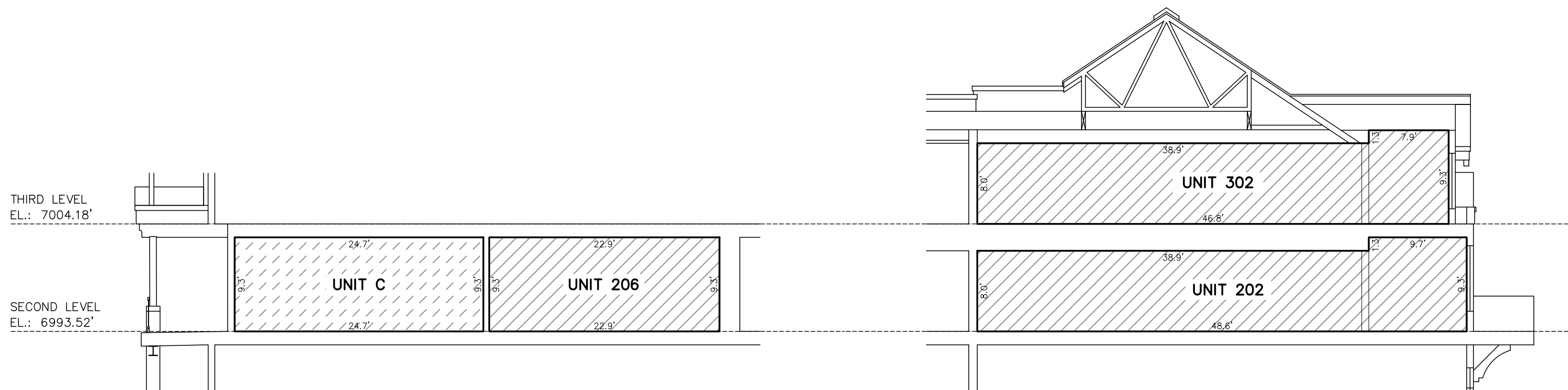
By: _____
Notary Public

Printed Name

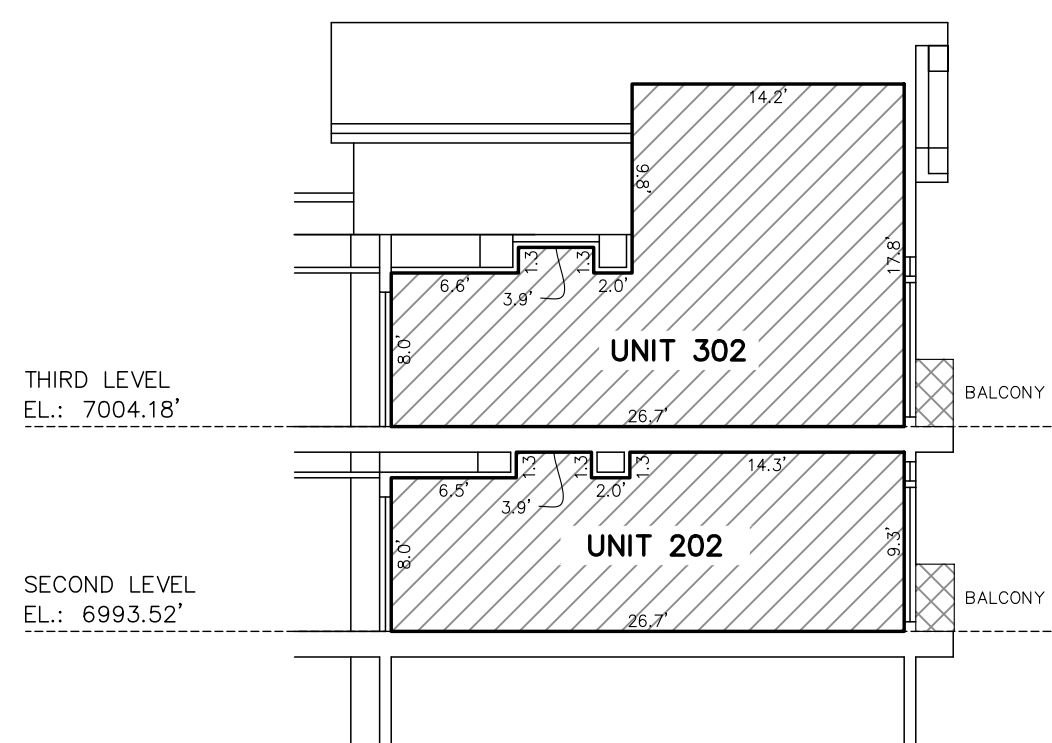
Residing in: _____

My Commission Expires: _____

Commission No.: _____



SECTION - 1



SECTION - 2

OWNERSHIP LEGEND

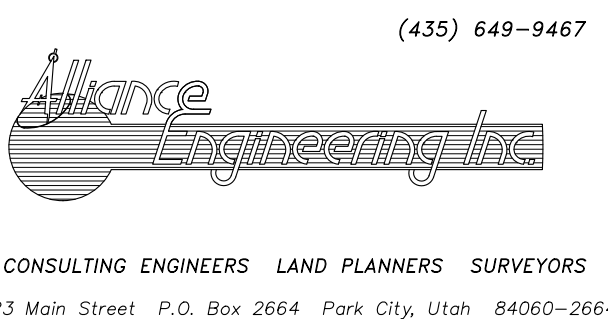
- COMMON AREAS AND FACILITIES
- PRIVATE RESIDENTIAL OWNERSHIP
- PRIVATE COMMERCIAL OWNERSHIP (See note 3)
- LIMITED COMMON AREAS AND FACILITIES



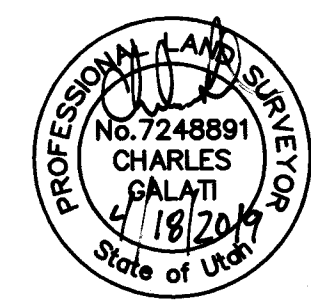
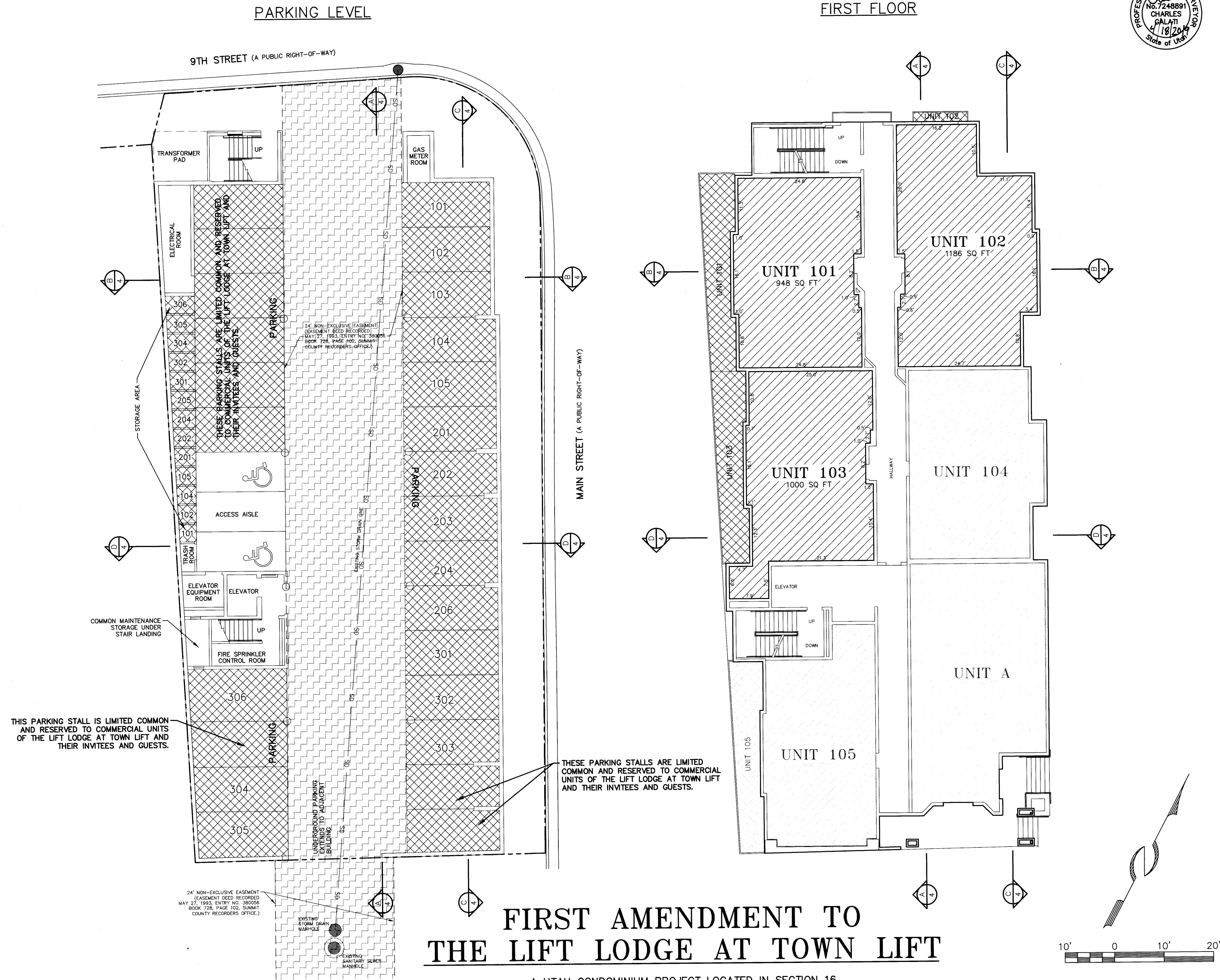
THE LIFT LODGE AT TOWN LIFT–SECOND AMENDED

AMENDING UNITS 202, 206, 302 & UNIT C

A UTAH CONDOMINIUM PROJECT
LOCATED IN THE NORTHEAST QUARTER SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



JOB NO.: 19–6–17		FILE: X:\SnydersAddition\dwg\sr\plat2017\190617_2nd amd.dwg	
9/26/19			
RECORDED			
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED			
AT THE REQUEST OF _____			
DATE _____	TIME _____	BOOK _____	PAGE _____
ENTRY NO. _____	FEE _____	RECORDER _____	



SURVEYOR'S CERTIFICATE

I, Charles Galati, do hereby certify that I am a Professional Land Surveyor and that I hold Certificate No. 7248891 as prescribed by the laws of the State of Utah, and that I have caused to be made under my direction and by the authority of the owners, this FIRST AMENDMENT TO THE LIFT LODGE AT TOWN LIFT, in accordance with the provisions of the Utah Condominium Ownership Act. I further certify that the information shown hereon is correct.

LEGAL DESCRIPTION

Units 101, 102, 103, 201, 202, 204, 302, 304, 305, 306 and B, THE LIFT LODGE AT TOWN LIFT, a Utah Condominium Project, together with each unit's appurtenant undivided interest in the Common Areas and Facilities, according to the Record of Survey Map recorded August 3, 1999 as Entry no. 545622 and in the Declaration of Condominium for The Lift Lodge at Town Lift recorded August 3, 1999 as Entry No. 545623 in Book 1279 at Page 260 and in the First Amendment to Condominium Declaration recorded July 29, 2011 as Entry No. 927222 in Book 2089 at page 1822, records of Summit County, Utah.

ASSOCIATION CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS, that the undersigned, on behalf of THE LIFT LODGE ASSOCIATION, INC., a Utah nonprofit corporation, having complied with the requirements of both Statutes and the Amended and Restated Declaration of Condominium and Declaration of Covenants, Conditions, and Restrictions for The Lift Lodge at Town Lift, hereby consent to the recording of this amended record of survey map.

Vanessa Carrington by Dean Peters, attorney-in-fact
Vanessa Carrington, President, by Dean Peters, attorney-in-fact
THE LIFT LODGE ASSOCIATION, INC., a Utah nonprofit corporation

Dean Peters
Dean Peters, Secretary/Treasurer
THE LIFT LODGE ASSOCIATION, INC., a Utah nonprofit corporation

ACKNOWLEDGMENT

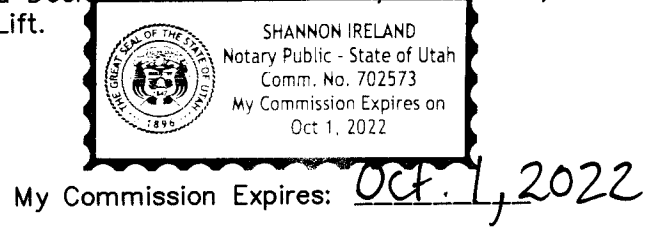
STATE OF UTAH)
COUNTY OF SUMMIT)

On this 18 day of April 2019, personally appeared before me, the undersigned Notary Public, in and for said County and State, Dean Peters, being duly sworn, acknowledged to me that he is the attorney-in-fact for Vanessa Carrington, an individual, for the limited purpose of executing in the name of and for said Vanessa Carrington the above Association Consent to Record, and that he is the Secretary/Treasurer of The Lift Lodge Association, Inc., a Utah nonprofit corporation, and that the above Association Consent to Record was signed for, on, and in behalf of all of the unit owners at The Lift Lodge at Town Lift acting as a group (under the name of The Lift Lodge Association, Inc., a Utah nonprofit corporation) in accordance with the Utah Condominium Ownership Act, U.C.A., Sections 57-1-1 et seq. (1963) as amended and supplemented, and the Amended and Restated Declaration of Condominium and Declaration of Covenants, Conditions, and Restrictions for The Lift Lodge at Town Lift.

By: *Shannon Ireland*
Notary Public

Shannon Ireland
Printed Name

Residing in: *Summit*



NOTES

- This plat amendment is subject to the Conditions of Approval in Ordinance 2018-47.
- This sheet amends Units 101, 102 and 103 of The Lift Lodge at Town Lift recorded August 3, 1999, as Entry No. 545622 in the Summit County Recorder's Office.
- All Conditions of Approval of The Lift Lodge at Town Lift recorded August 3, 1999, as Entry No. 545622 shall continue to apply and remain in full force and effect.
- This plat amendment removes secondary entry into certain units, corrects errors on Page 4 of the original plat and adds a sheet showing the roof level as part of the residential common areas and facilities. Refer to The Lift Lodge at Town Lift, recorded August 3, 1999, as Entry No. 545622 for the dimensions of Units A, 104, 105, C, 203, 206, 301 and 303, as these Units are not directly affected by the changes on this plat amendment.
- May be converted to Private Residential Ownership, subject to compliance with the terms of the Amended and Restated Declaration of Condominium and Declaration of Covenants, Conditions, and Restrictions for The Lift Lodge at Town Lift (see Legend).
- Residential fire sprinklers will be required for all new construction per requirements of the Chief Building Official.

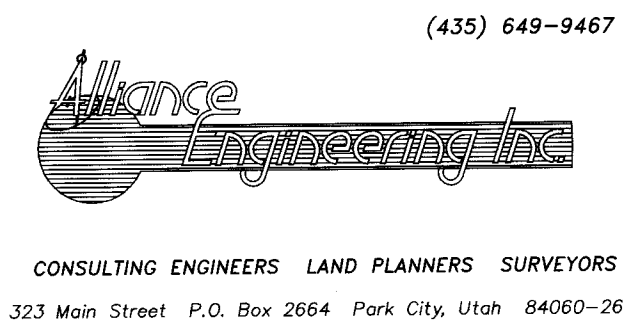
LEGEND

- COMMON AREAS AND FACILITIES
- PRIVATE RESIDENTIAL OWNERSHIP
- LIMITED COMMON AREAS AND FACILITIES
- PRIVATE COMMERCIAL OWNERSHIP (See Note 5.)
- RESIDENTIAL COMMON AREAS AND FACILITIES
- EASEMENT

THIS SHEET IS A SUPPLEMENT TO
PAGE 2 OF 4 OF "THE LIFT LODGE
AT TOWN LIFT"
RECORDED AUGUST 3, 1999,
AS ENTRY NO. 545622.

SHEET 1 OF 6

4/17/19 JOB NO.: 19-6-17 FILE: X:\SnydersAddition\dwg\sr\plat2017\190617.dwg



SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 19th
DAY OF April, 2019
BY *[Signature]*
S.B.W.R.D.

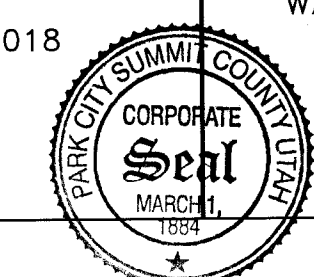
PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 8TH DAY OF AUGUST, 2018
BY *[Signature]*
CHAIR

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 14th DAY OF May, 2019
BY *[Signature]*
PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 26th DAY OF May, 2019
BY *[Signature]*
PARK CITY ATTORNEY

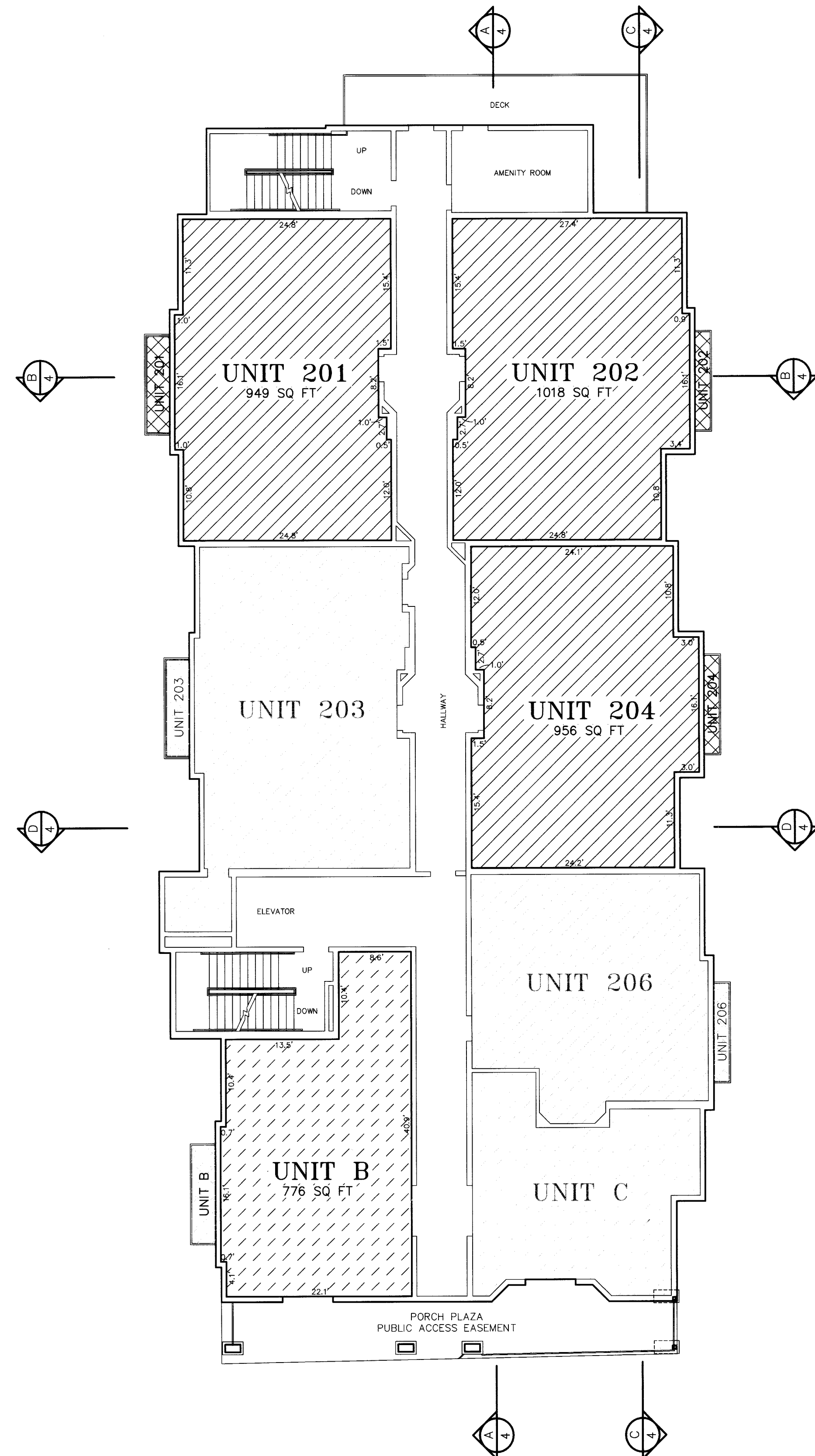
COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 30TH DAY OF AUGUST, 2018
BY *[Signature]*
MAYOR

CERTIFICATE OF ATTEST
I CERTIFY THIS PLAT MAP WAS APPROVED BY PARK CITY COUNCIL THIS 30TH DAY OF AUGUST, 2018
BY *[Signature]*
PARK CITY RECORDER

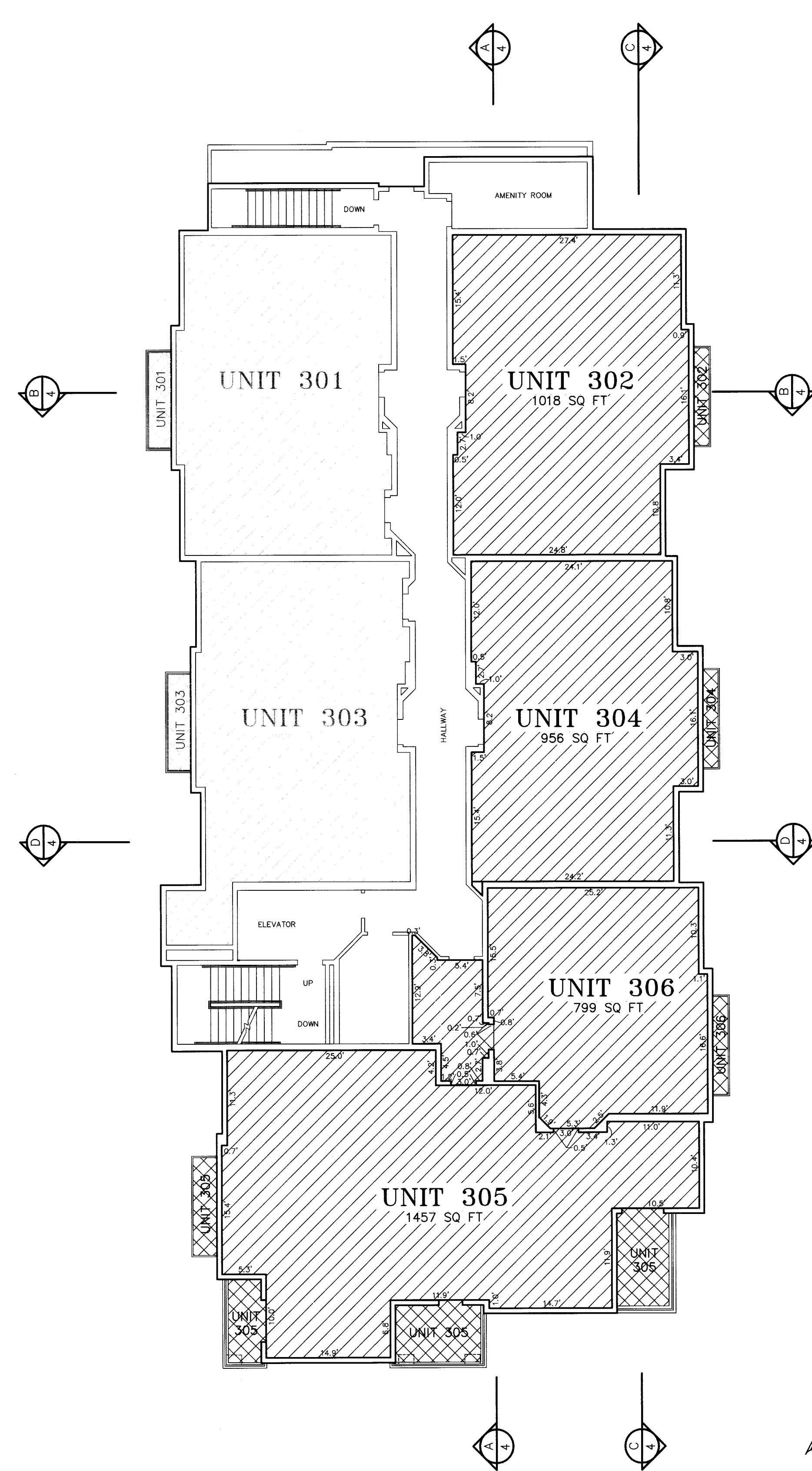


RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF Park City Title
\$322.00
FEE
TIME 10:58 a.m. DATE 5/30/2019 ENTRY NO. 1111708
RECORDED
LIFT LODGE AT TOWN LIFT FIRST AMENDMENT

SECOND FLOOR



THIRD FLOOR



NOTES

1. This sheet amends Units 201, 202, 204, Unit B, Units 302, 304, 305 and 306 of The Lift Lodge at Town Lift recorded August 3, 1999, as Entry No. 545622 in the Summit County Recorder's Office.
2. Unless and until substituted by another unit in The Lift Lodge at Town Lift project, Unit 306 is restricted in perpetuity to comply with the requirements of the federal Americans with Disabilities Act in effect on the date of recordation of this record of survey map.
3. Access to Unit 305 is by separate easement, as granted by that certain Declaration of Hallway Access Easement, as may be amended from time to time by the owners of Unit 305 and Unit 306.
4. All Conditions of Approval of The Lift Lodge at Town Lift recorded August 3, 1999, as Entry No. 545622 shall continue to apply and remain in full force and effect.
5. May be converted to Private Residential Ownership, subject to compliance with the terms of the Amended and Restated Declaration of Condominium and Declaration of Covenants, Conditions, and Restrictions for The Lift Lodge at Town Lift (see Legend).
6. Residential fire sprinklers will be required for all new construction per requirements of the Chief Building Official.

LEGEND

- COMMON AREAS AND FACILITIES
- PRIVATE RESIDENTIAL OWNERSHIP
- LIMITED COMMON AREAS AND FACILITIES
- PRIVATE COMMERCIAL OWNERSHIP (See Note 5.)
- RESIDENTIAL COMMON AREAS AND FACILITIES
- ACCESS EASEMENT (See Note 3.)

THIS SHEET IS A SUPPLEMENT TO
PAGE 3 OF 4 OF "THE LIFT LODGE
AT TOWN LIFT"
RECORDED AUGUST 3, 1999,
AS ENTRY NO. 545622.



FIRST AMENDMENT TO

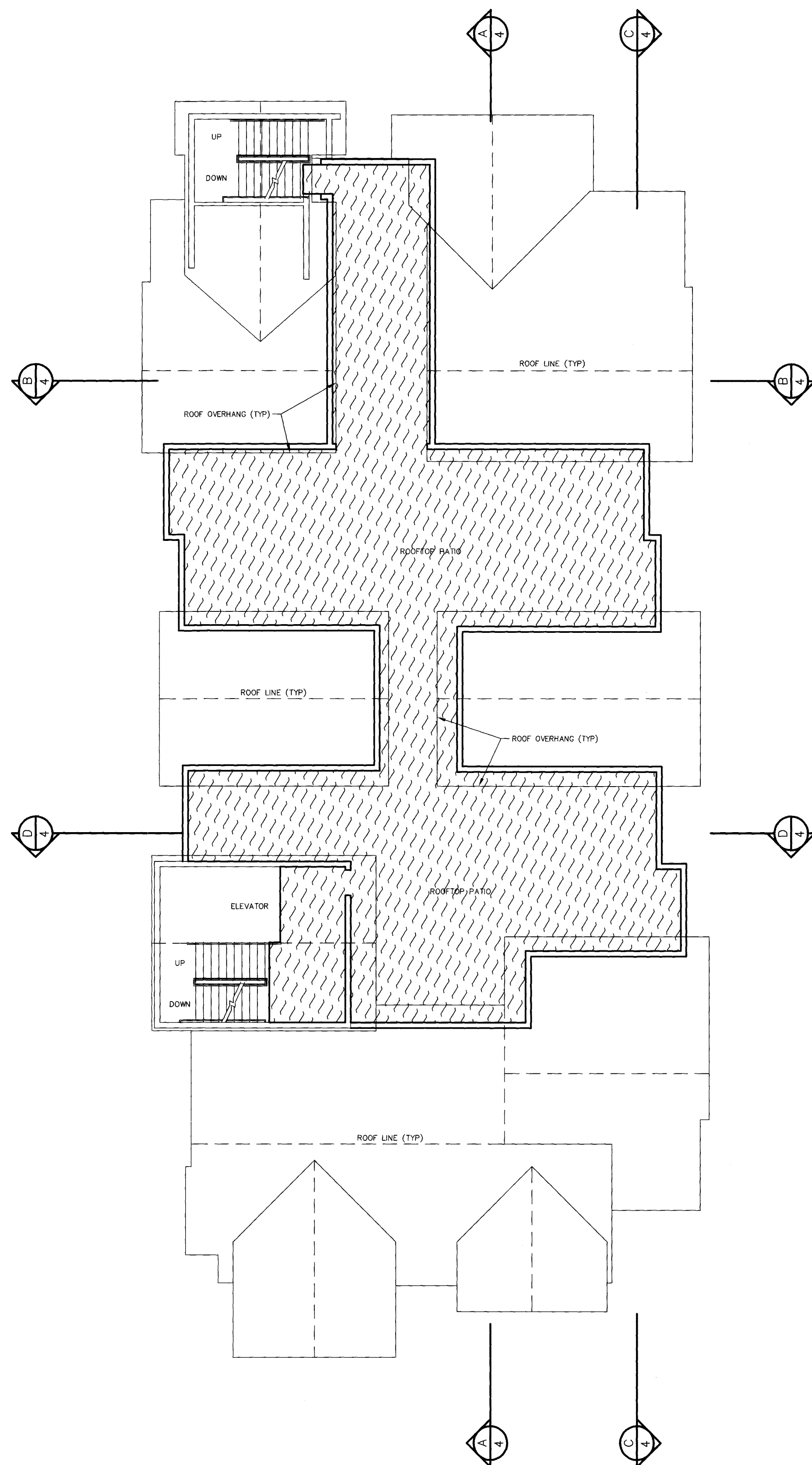
THE LIFT LODGE AT TOWN LIFT

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

SHEET 2 OF 6

4/17/19 JOB NO.: 19-6-17 FILE: X:\SnydersAddition\dwg\srvt\plat2017\190617.dwg

ROOF LEVEL

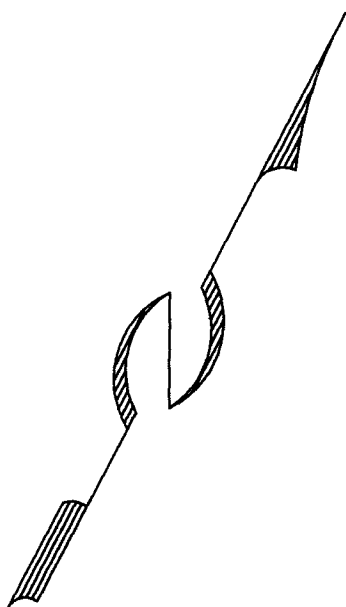


NOTES

1. All Conditions of Approval of The Lift Lodge at Town Lift recorded August 3, 1999, as Entry No. 545622 shall continue to apply and remain in full force and effect.
2. The rooftop patio is a residential common area and facility for the exclusive use of residential unit owners.
3. Residential fire sprinklers will be required for all new construction per requirements of the Chief Building Official.
4. The Amended and Restated Declaration of Condominium and Declaration of Covenants, Conditions, and Restrictions for The Lift Lodge at Town Lift shall refer to the Conditions of Approval associated with the modification to the Conditional Use Permit approved by the Planning Commission on August 8, 2018. These conditions include limitations to the occupancy, hours, and the use of the deck.

LEGEND

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



FIRST AMENDMENT TO

THE LIFT LODGE AT TOWN LIFT

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

SHEET 3 OF 6

4/17/19 JOB NO.: 19-6-17 FILE: X:\SnydersAddition\dwg\srvt\plat2017\190617.dwg

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED

AT THE ENTRY NO. 01111708

05/30/2019 10:58:49 AM B: 2510 P: 1633

PLAT PAGE 1/1

BY: 322 00 BY PARK CITY TITLE

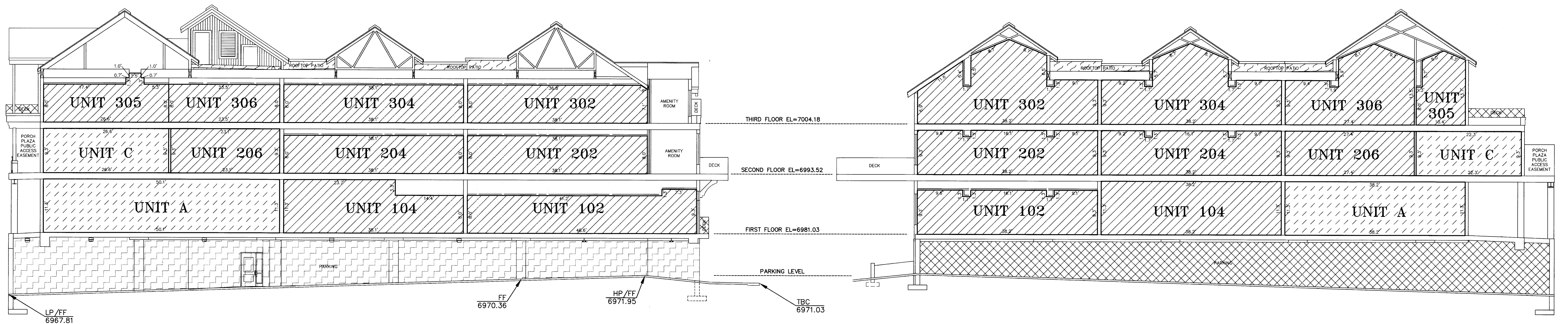
RECORD PROJECTS - SUMMIT COUNTY RECORDER

TIME DATE ENTRY NO.

(435) 649-9467

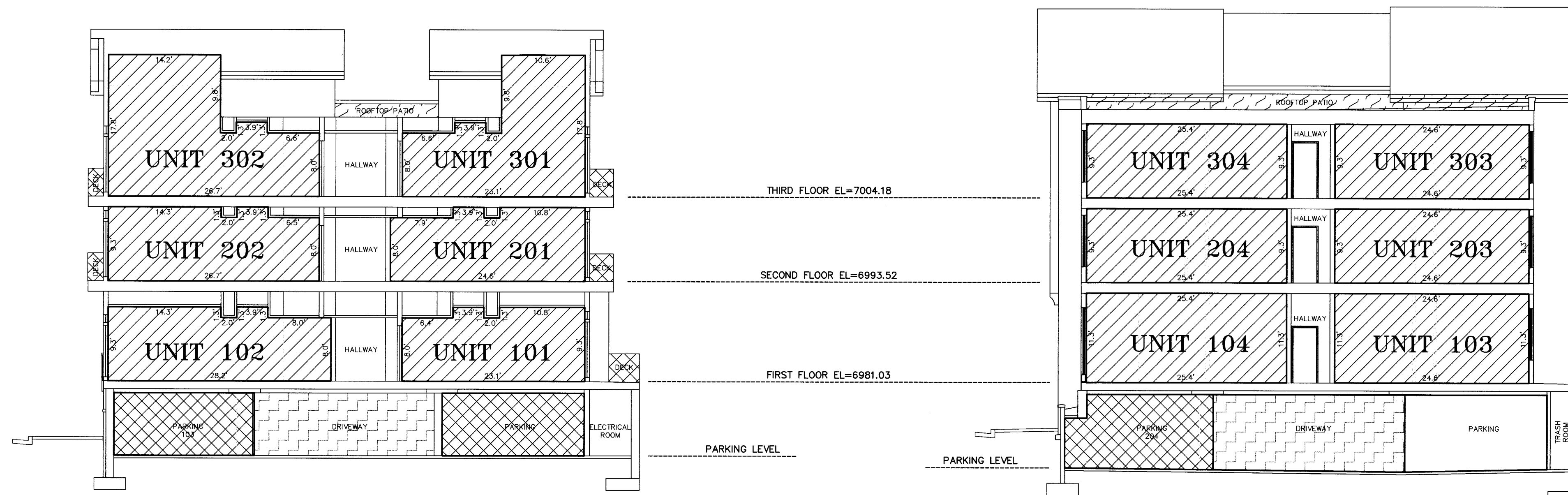


CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664



SECTION 'A'

SECTION 'C'



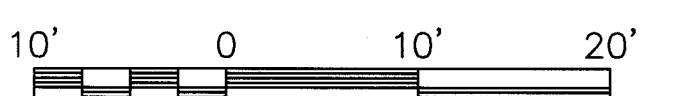
SECTION 'B'

SECTION 'D'

LEGEND

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

THIS SHEET REPLACES PAGE 4 OF 4
OF "THE LIFT LODGE AT TOWN LIFT"
RECORDED AUGUST 3, 1999,
AS ENTRY NO. 545622.



FIRST AMENDMENT TO

THE LIFT LODGE AT TOWN LIFT

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

SHEET 4 OF 6

4/17/19 JOB NO.: 19-6-17 FILE: X:\SnydersAddition\dwg\sr\plat2017\190617.dwg

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED

AT THE ENTRY NO. 0111708

05/30/2019 10:58:49 AM B: 2510 P: 1633

Plat PAGE 1/1 SUMMIT COUNTY RECORDER

BOOKING FEE: 322.00 BY PARK CITY TITLE

TIME DATE

(435) 649-9467



CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

OWNER'S CONSENT TO RECORD

Know all by these presents that MAKI OHANA LLC, a California limited liability company, the owner of Unit 101, and whose Unit is affected by the contents of this FIRST AMENDMENT TO THE LIFT LODGE AT TOWN LIFT, hereby certifies that it has caused this Condominium Plat to be prepared, and does hereby consent to the recordation of this Condominium Plat.

In witness whereof the undersigned has executed this certificate and consent

this 21 day of FEBRUARY, 2019.

Martin Horton, Manager
MAKI OHANA LLC, a California limited liability company

ACKNOWLEDGMENT

STATE OF CA)
COUNTY OF SAN DIEGO) ss.

On this 21 day of FEBRUARY, 2019, Martin Horton personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he is a Manager of MAKI OHANA LLC, a California limited liability company, and that said document was signed by him on behalf of said limited liability company by authority of its Operating Agreement or Resolution of its Members, and he acknowledged to me that he executed the FIRST AMENDMENT TO THE LIFT LODGE AT TOWN LIFT.

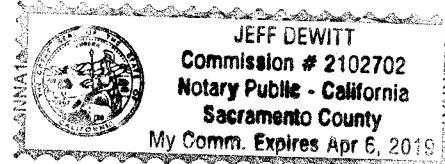
By: JEFF DEWITT
Notary Public

Printed Name

Residing in: CA

My Commission Expires: 4-6-19

Commission No.: 2102702



OWNER'S CONSENT TO RECORD

Know all by these presents that FIRST TITLE HOLDING 10020R, L.L.C., a Hawaii limited liability company, as to an undivided 71.03 percent interest in the ownership of Unit 102, and whose Unit is affected by the contents of this FIRST AMENDMENT TO THE LIFT LODGE AT TOWN LIFT, hereby certifies that it has caused this Condominium Plat to be prepared, and does hereby consent to the recordation of this Condominium Plat.

In witness whereof the undersigned has executed this certificate and consent

this 12 day of FEBRUARY, 2019.

ARW MULL
Thomas W. Mull, Manager
FIRST TITLE HOLDING 10020R, L.L.C., a Hawaii limited liability company

ACKNOWLEDGMENT

STATE OF Utah)
COUNTY OF Summit) ss.

On this 12 day of Feb, 2019, Thomas W. Mull personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he is the Manager of FIRST TITLE HOLDING 10020R, L.L.C., a Hawaii limited liability company, and that said document was signed by him on behalf of said limited liability company by authority of its Operating Agreement or Resolution of its Members, and he acknowledged to me that he executed the FIRST AMENDMENT TO THE LIFT LODGE AT TOWN LIFT.

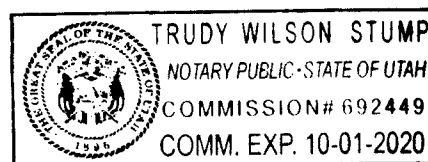
By: Trudy Wilson Stump
Notary Public

Printed Name

Residing in: Heber City UT

My Commission Expires: 10-1-2020

Commission No.: 692499



OWNER'S CONSENT TO RECORD

Know all by these presents that THOMAS WILSON MULL and LORRAINE SUMMERS MULL, husband and wife, tenants by the entirety, as to an undivided 28.97 percent interest in the ownership of Unit 102, and whose Unit is affected by the contents of this FIRST AMENDMENT TO THE LIFT LODGE AT TOWN LIFT, hereby certify that they have caused this Condominium Plat to be prepared, and that they do hereby consent to the recordation of this Condominium Plat.

In witness whereof the undersigned has executed this certificate and consent

this 12 day of FEBRUARY, 2019.

ARW MULL
Thomas Wilson Mull
Lorraine Summers Mull
Lorraine Summers Mull

ACKNOWLEDGMENT

STATE OF Utah)
COUNTY OF Summit) ss.

On this 12 day of Feb, 2019, Thomas Wilson Mull personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, that he acknowledged to me that he executed the FIRST AMENDMENT TO THE LIFT LODGE AT TOWN LIFT.

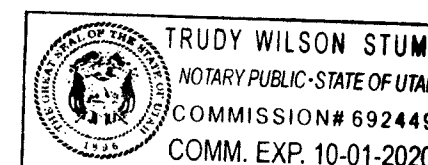
By: Trudy Wilson Stump
Notary Public

Printed Name

Residing in: Heber City UT

My Commission Expires: 10-1-2020

Commission No.: 692449



ACKNOWLEDGMENT

STATE OF Utah)
COUNTY OF Summit) ss.

On this 12 day of Feb, 2019, Lorraine Summers Mull personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, that she acknowledged to me that she executed the FIRST AMENDMENT TO THE LIFT LODGE AT TOWN LIFT.

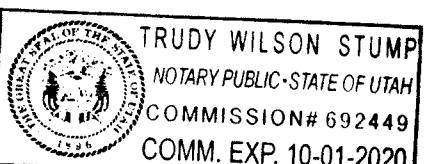
By: Trudy Wilson Stump
Notary Public

Printed Name

Residing in: Heber City UT

My Commission Expires: 10-1-2020

Commission No.: 692449



OWNER'S CONSENT TO RECORD

Know all by these presents that the owner of Unit 103, and whose Unit is affected by the contents of this FIRST AMENDMENT TO THE LIFT LODGE AT TOWN LIFT, hereby certifies that he has caused this Condominium Plat to be prepared, and I, WILLIAM N. MITCHELL, a single person, do hereby consent to the recordation of this Condominium Plat.

In witness whereof the undersigned has executed this certificate and consent

this 15 day of MARCH, 2019.

William N. Mitchell

ACKNOWLEDGMENT

STATE OF Alabam)
COUNTY OF Madison) ss.

On this 15 day of MARCH, 2019, William N. Mitchell personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, that he acknowledged to me that he executed the FIRST AMENDMENT TO THE LIFT LODGE AT TOWN LIFT.

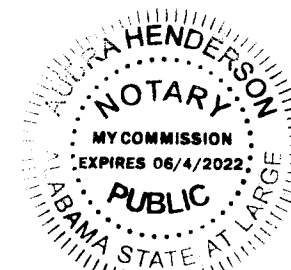
By: Audra Henderson
Notary Public

Printed Name

Residing in: Madison, AL

My Commission Expires: 6/4/22

Commission No.: _____



OWNER'S CONSENT TO RECORD

Know all by these presents that 875MAINST201, LLC, a Utah limited liability company, the owner of Unit 201, and whose Unit is affected by the contents of this FIRST AMENDMENT TO THE LIFT LODGE AT TOWN LIFT, hereby certifies that it has caused this Condominium Plat to be prepared, and does hereby consent to the recordation of this Condominium Plat.

In witness whereof the undersigned has executed this certificate and consent

this 10 day of MARCH, 2019.

Christian McLean Jensen
Christian McLean Jensen, Managing Member
875MAINST201, LLC, a Utah limited liability company

ACKNOWLEDGMENT

STATE OF Utah)
COUNTY OF Summit) ss.

On this 10 day of MARCH, 2019, Christian McLean Jensen personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he is the Managing Member of 875MAINST201, LLC, a Utah limited liability company, and that said document was signed by him on behalf of said limited liability company by authority of its Operating Agreement or Resolution of its Members, and he acknowledged to me that he executed the FIRST AMENDMENT TO THE LIFT LODGE AT TOWN LIFT.

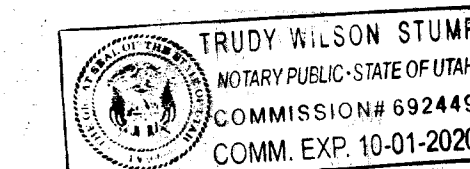
By: Trudy Wilson Stump
Notary Public

Printed Name

Residing in: Heber City UT

My Commission Expires: 10-01-2020

Commission No.: 692449



OWNER'S CONSENT TO RECORD

Know all by these presents that the owners of Unit 202, and whose Unit is affected by the contents of this FIRST AMENDMENT TO THE LIFT LODGE AT TOWN LIFT, hereby certify that they have caused this Condominium Plat to be prepared, and we, MARK A. RUELE and SANDRA S. RUELE, husband and wife as joint tenants, do hereby consent to the recordation of this Condominium Plat.

In witness whereof the undersigned has executed this certificate and consent

this 13 day of Feb., 2019.

Mark A. Ruelle

Sandra S. Ruelle
Sandra S. Ruelle

ACKNOWLEDGMENT

STATE OF Utah)
COUNTY OF Summit) ss.

On this 13 day of Feb, 2019, Mark A. Ruelle personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, that he acknowledged to me that he executed the FIRST AMENDMENT TO THE LIFT LODGE AT TOWN LIFT.

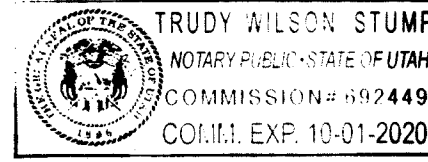
By: Trudy Wilson Stump
Notary Public

Printed Name

Residing in: Heber City UT

My Commission Expires: 10-1-2020

Commission No.: 692449



ACKNOWLEDGMENT

STATE OF Utah)
COUNTY OF Summit) ss.

On this 13 day of Feb, 2019, Sandra S. Ruelle personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, that she acknowledged to me that she executed the FIRST AMENDMENT TO THE LIFT LODGE AT TOWN LIFT.

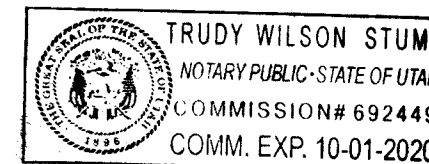
By: Trudy Wilson Stump
Notary Public

Printed Name

Residing in: Heber City UT

My Commission Expires: 10-1-2020

Commission No.: 692449



FIRST AMENDMENT TO

THE LIFT LODGE AT TOWN LIFT

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

SHEET 5 OF 6

2/12/19 JOB NO.: 19-6-17 FILE: X:\SnydersAddition\dwg\sr\plat2017\190617.dwg

RECORDED

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

ENTRY NO. 01111708

05/30/2019 10:58:49 AM B: 2510 P: 1633

Plat PAGE 1/1

BOOK 322 00 BY PARK CITY TITLE

FEE 322.00 BY PARK CITY TITLE

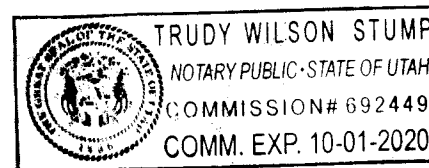
TIME

OWNER'S CONSENT TO RECORD

Know all by these presents that the owners of Unit 204, and whose Unit is affected by the contents of this FIRST AMENDMENT TO THE LIFT LODGE AT TOWN LIFT, hereby certify that they have caused this Condominium Plat to be prepared, and we, JAMES B. HOESLEY and SANDRA HOESLEY, husband and wife, do hereby consent to the recordation of this Condominium Plat.

In witness whereof the undersigned has executed this certificate and consent
this 19 day of Feb, 2019.

James B. Hoesley
James B. Hoesley
Sandra Hoesley
Sandra Hoesley



ACKNOWLEDGMENT

STATE OF Utah)
COUNTY OF Summit) ss.

On this 19 day of Feb, 2019, James B. Hoesley personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, that he acknowledged to me that he executed the FIRST AMENDMENT TO THE LIFT LODGE AT TOWN LIFT.

By: Trudy Wilson Stump
Notary Public
Trudy Wilson Stump
Printed Name
Residing in: Heber City UT
My Commission Expires: 10-1-2020
Commission No.: 692449

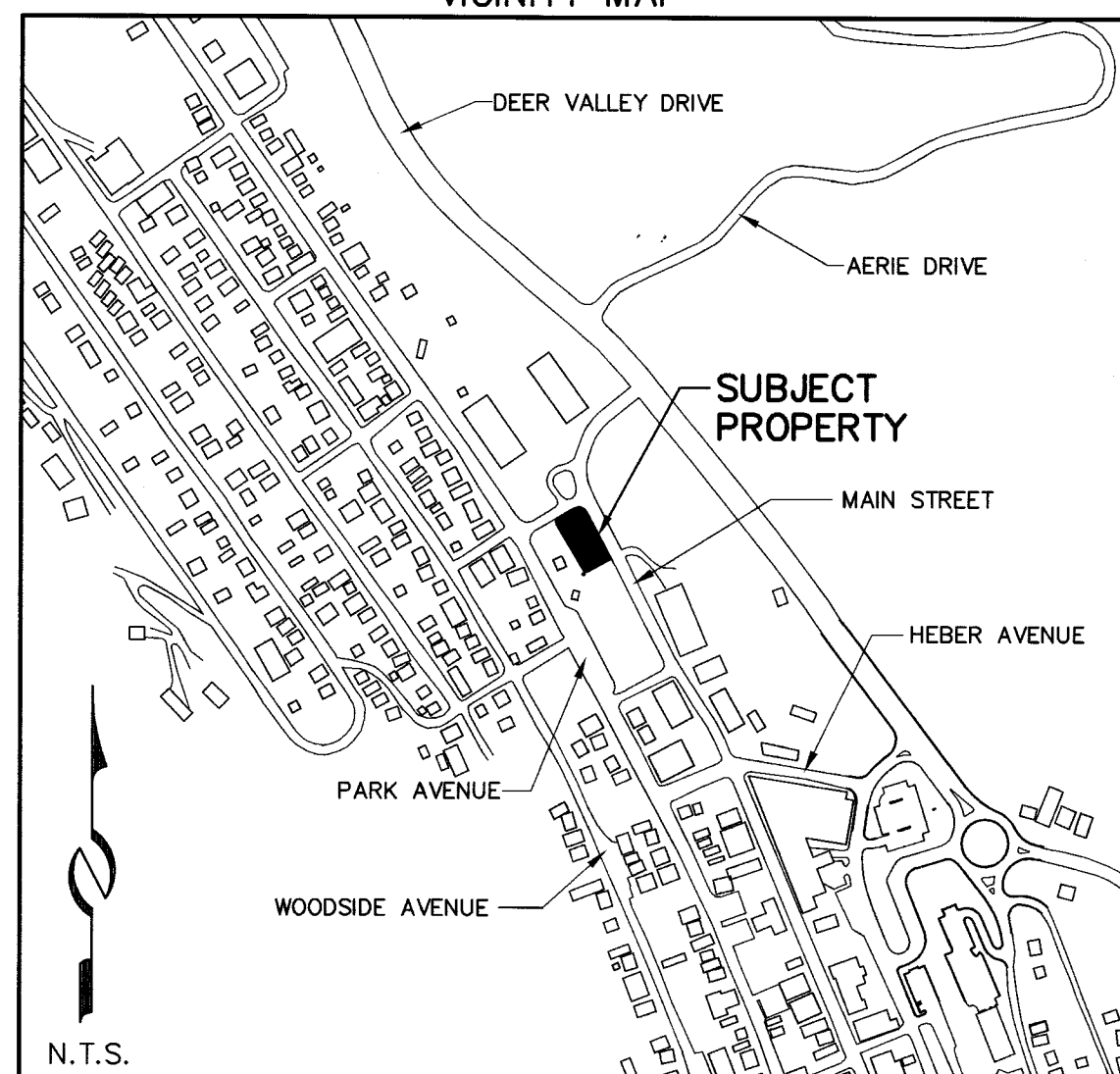
ACKNOWLEDGMENT

STATE OF Utah)
COUNTY OF Summit) ss.

On this 19 day of Feb, 2019, Sandra Hoesley personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, that she acknowledged to me that she executed the FIRST AMENDMENT TO THE LIFT LODGE AT TOWN LIFT.

By: Trudy Wilson Stump
Notary Public
Trudy Wilson Stump
Printed Name
Residing in: Heber City UT
My Commission Expires: 10-1-2020
Commission No.: 692449

VICINITY MAP



OWNER'S CONSENT TO RECORD

Know all by these presents that the owner of Unit 302, and whose Unit is affected by the contents of this FIRST AMENDMENT TO THE LIFT LODGE AT TOWN LIFT, hereby certify that she has caused this Condominium Plat to be prepared, and I, VANESSA C. CARRINGTON, trustee of the VANESSA C. CARRINGTON REVOCABLE TRUST dated 7/18/07, do hereby consent to the recordation of this Condominium Plat.

In witness whereof the undersigned has executed this certificate and consent
this 28 day of February, 2019.

Vanessa C. Carrington
Vanessa C. Carrington, Trustee

ACKNOWLEDGMENT

STATE OF Florida)
COUNTY OF Miami-Dade) ss.

On this 28th day of February, 2019, Vanessa C. Carrington personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that she is the Trustee of the VANESSA C. CARRINGTON REVOCABLE TRUST dated 7/18/07, and that said document was signed by her on behalf of said Trust by authority of the Trust, and she acknowledged to me that she executed the FIRST AMENDMENT TO THE LIFT LODGE AT TOWN LIFT.

By: Westy Zegarra
Notary Public
Westy Zegarra
Printed Name
Residing in: Florida
My Commission Expires: 6/16/21
Commission No.: 69112246



OWNER'S CONSENT TO RECORD

Know all by these presents that OAK BLUFFS, LLC, a Delaware limited liability company, the owner of Unit 304, and whose Unit is affected by the contents of this FIRST AMENDMENT TO THE LIFT LODGE AT TOWN LIFT, hereby certifies that it has caused this Condominium Plat to be prepared, and does hereby consent to the recordation of this Condominium Plat.

In witness whereof the undersigned has executed this certificate and consent
this 7 day of March, 2019.

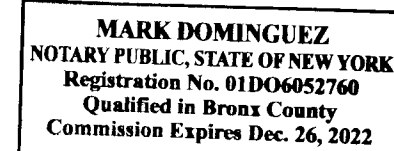
Evan Schwartzberg
Evan Schwartzberg, Managing Manager
OAK BLUFFS, LLC, a Delaware limited liability company

ACKNOWLEDGMENT

STATE OF New York)
COUNTY OF New York) ss.

On this 7th day of March, 2019, Evan Schwartzberg personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he is the Managing Manager of OAK BLUFFS, LLC, a Delaware limited liability company, and that said document was signed by him on behalf of said limited liability company by authority of its Operating Agreement or Resolution of its Members, and he acknowledged to me that he executed the FIRST AMENDMENT TO THE LIFT LODGE AT TOWN LIFT.

By: Mark Dominguez
Notary Public
Mark Dominguez
Printed Name
Residing in: Bronx County
My Commission Expires: December 26, 2022
Commission No.: 01D06652760



OWNER'S CONSENT TO RECORD

Know all by these presents that LIFT LODGE ACCOMMODATIONS, LLC, a Utah limited liability company, the owner of Units 305 and 306, and whose Units are affected by the contents of this FIRST AMENDMENT TO THE LIFT LODGE AT TOWN LIFT, hereby certifies that it has caused this Condominium Plat to be prepared, and does hereby consent to the recordation of this Condominium Plat.

In witness whereof the undersigned has executed this certificate and consent
this 22 day of FEBRUARY, 2019.

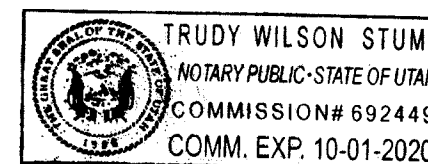
Stephanie A. Wulfsahn
Stephanie A. Wulfsahn, Manager
LIFT LODGE ACCOMMODATIONS, LLC, a Utah limited liability company

ACKNOWLEDGMENT

STATE OF Utah)
COUNTY OF Summit) ss.

On this 22 day of Feb, 2019, Stephanie A. Wulfsahn personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that she is the Manager of LIFT LODGE ACCOMMODATIONS, LLC, a Utah limited liability company, and that said document was signed by her on behalf of said limited liability company by authority of its Operating Agreement or Resolution of its Members, and she acknowledged to me that she executed the FIRST AMENDMENT TO THE LIFT LODGE AT TOWN LIFT.

By: Trudy Wilson Stump
Notary Public
Trudy Wilson Stump
Printed Name
Residing in: Heber City UT
My Commission Expires: 10-1-2020
Commission No.: 692449



OWNER'S CONSENT TO RECORD

Know all by these presents that REMEDIAL PROPERTIES LLC, a Utah limited liability company, the owner of Unit B, and whose Unit is affected by the contents of this FIRST AMENDMENT TO THE LIFT LODGE AT TOWN LIFT, hereby certifies that it has caused this Condominium Plat to be prepared, and does hereby consent to the recordation of this Condominium Plat.

In witness whereof the undersigned has executed this certificate and consent
this 12 day of Feb, 2019.

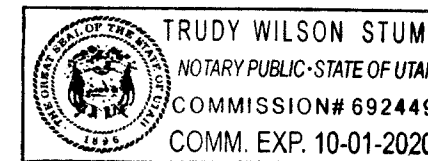
Dean G. Peters
Dean G. Peters, Manager
REMEDIAL PROPERTIES LLC, a Utah limited liability company

ACKNOWLEDGMENT

STATE OF Utah)
COUNTY OF Summit) ss.

On this 12 day of Feb, 2019, Dean G. Peters personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he is a Manager of REMEDIAL PROPERTIES LLC, a Utah limited liability company, and that said document was signed by him on behalf of said limited liability company by authority of its Operating Agreement or Resolution of its Members, and he acknowledged to me that he executed the FIRST AMENDMENT TO THE LIFT LODGE AT TOWN LIFT.

By: Trudy Wilson Stump
Notary Public
Trudy Wilson Stump
Printed Name
Residing in: Heber City UT
My Commission Expires: 10-1-2020
Commission No.: 692449



FIRST AMENDMENT TO

THE LIFT LODGE AT TOWN LIFT

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

SHEET 6 OF 6

2/12/19 JOB NO.: 19-6-17 FILE: X:\SnydersAddition\dwg\sr\plat2017\190617.dwg

RECORDED

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

ENTRY NO. 01111708

05/30/2019 10:58:49 AM B. 2510 P. 1633

PLAT PAGE 1/1

SUMMIT COUNTY RECORDER

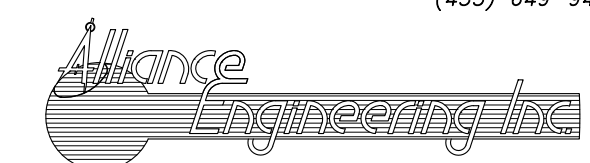
FEE 322.00 BY PARK CITY TITLE

TIME



SUBJECT
PROPERTY



 (435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	STAFF: RYAN BETZ MARSHALL KING DATE: 9/26/19	AERIAL PHOTOGRAPH LIFT LODGE AT TOWN LIFT CONDOMINIUMS BLOCK 53, SNYDER'S ADDITION FOR: THE LIFT LODGE ASSOCIATION, INC. JOB NO.: 19-6-17 FILE: X:\SnydersAddition\dwg\Exhibits\Lift Lodge-ortho.dwg	SHEET 1 OF 1
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THE LIFT LODGE AT THE TOWN LIFT-SECOND AMENDED
(875 Main Street)
August 2, 2019

PROJECT INTENT

The Lift Lodge at Town Lift was constructed in the late 1990's as a 19-unit condominium building (3 commercial units and 16 residential units). This application for Plat Amendment proposes to alter ownership of common areas, three residential units, and one commercial unit of the condominium project.

Unit C and Unit 206 are owned by the same entity, and propose to expand the area of Unit C, thereby reducing the area of Unit 206 by adjusting the ownership line between the units. These units are currently shown on The Lift Lodge At Town Lift Condominium Plat, recorded August 3, 1999, as Entry No. 545622 in the Summit County Recorder's Office.

Units 202 and 302 are each proposing to expand their units into the areas labeled "Amenity Room" on their respective floors. These units are currently shown on the First Amendment To The Lift Lodge At Town Lift Condominium Plat, recorded May 30, 2019, as Entry No. 1111708 in the Summit County Recorder's Office.

RESOLUTION

Resolution No. 22-82

A RESOLUTION AUTHORIZING THE EXCHANGE OF REAL PROPERTY
BETWEEN PARK CITY MUNICIPAL CORPORATION
AND HUNTSMAN-CHRISTENSEN
TO ACQUIRE A SEGMENT OF THE RIGHT-OF-WAY NECESSARY FOR THE
CONSTRUCTION OF THE U-224 BELT ROUTE

WHEREAS, Huntsman-Christensen Corporation, Blaine
Huntsman, Ladd Christensen, Park City Depot, Inc., and the
Depot partners are the owners of certain real property known
as the Depot Property, required by the City for the
construction of the U-224 Belt Route, and

WHEREAS, the City is the owner of land adjoining
the portion of the Depot Property that is not required for
the Belt Route, and

WHEREAS, owners of the Depot Property are willing
to convey the necessary property to the City for the Belt
Route construction in exchange for a conveyance of a portion
of the City-owned land to them which solves some title
discrepancies and provides additional land, and other
covenants as set forth in the agreement between the parties,
and

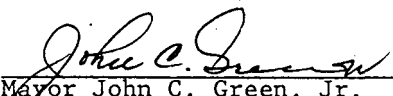
WHEREAS, the values of the parcels to be exchanged
are substantially similar,

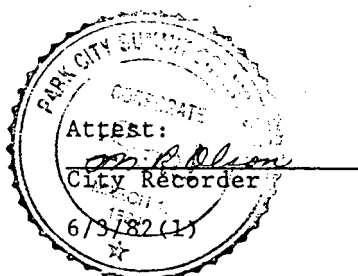
NOW THEREFORE, be it resolved by the City Council
of Park City, Utah that:

1. The exchange of real property described in detail
in the attached contract be, and is hereby approved.
2. The Recorder shall have the appropriate documents
necessary to complete the exchange recorded upon execution.

PASSED AND ADOPTED this 3rd day of June, 1982

PARK CITY MUNICIPAL CORPORATION


Mayor John C. Green, Jr.



2. Condemnation for Mellow Mountain Road Extension - Tom Clyde, City Attorney, commented that the developers would appreciate it if Council would adopt a Resolution of Condemnation because they are concerned that the belt route construction will prevent them from using the access road they now have. They are sensitive to the planning process going on in that area by other developers. They do need this document available if present negotiations fall through. Arlene Loble explained that the condemnation action has to be taken by the public body, but under the terms of the Nielsen lawsuit, settlement would be fully reimbursable by the purchasers of that property, Aerie Development Company. Tom Clyde explained that the road cannot be built until BLM grants right-of-way in two places. Bill Coleman, "I move we adopt the Resolution of Condemnation for Mellow Mountain Road Extension, simultaneous with the Aerie Development application prepared and submitted by them, for the right-of-way for both BLM properties". Bob Wells seconded. Motion carried.

NEW BUSINESS

Resolution Approving the Land Exchange and Settlement with Huntsman-Christensen Regarding U-224 Belt Route - Bob Wells stated he has not been able to make contact with Huntsman-Christensen regarding the form of the agreement, but the substance of it has orally been agreed to. He suggested approval of the resolution which will enable him to enter into an agreement. Tina Lewis, "I move approval of the Resolution of land exchange and settlement of the Huntsman-Christensen Company regarding the U-224 Belt Route". Helen Alvarez seconded. Motion carried, with Bill Coleman abstaining for the reason of having a security interest in the property.

Bill Coleman moved for adjournment.

* * * * *

MEMORANDUM OF CONVENING EXECUTIVE SESSION
CITY HALL, PARK CITY, UTAH
JUNE 3, 1982

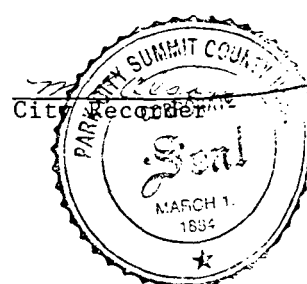
Members Present: Bill Coleman
(motion to close) Helen Alvarez
(motion to open) Helen Alvarez
Bob Wells
Mayor Green

Members Absent: Tina Lewis
Tom Shellenberger

Also Present: Arlene Loble, City Manager
Tom Clyde, City Attorney

Subjects Discussed: Litigation
Copperbottom Inn Lawsuit
Fire District Lawsuit
Highway Right-of-Way

Prepared by M. R. Olson



as Mayor P
Tina Lewis
p.m. at Ci
Members pr
Shellenber
and Bob We
Manager; M
Clyde, Cit
suggested
COMMUNICAT
since at t

PUBLIC INF

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MINUTES OF

as written

APPROVAL O

Bills". T

RESIGNATIO

AMENDMENT TO AGREEMENT

WHEREAS, Park City Municipal Corporation ("Park City") and Huntsman-Christensen Corporation, and Park City Depot Corporation entered into an Agreement dated June 9, 1982 (the "1982 Agreement") under which Huntsman-Christensen Corp. and Park City Depot Corp. conveyed approximately three acres of land to Park City for the right-of-way for Deer Valley Drive, in consideration of which Park City granted to Huntsman-Christensen certain zoning and regulatory concessions; and

WHEREAS, the benefits under the 1982 Agreement pertain to land (the "Property") retained by Huntsman-Christensen Corp.; and

WHEREAS, the Property is now owned by McIntosh Mill, Ltd. a Utah limited partnership ("McIntosh"); and

WHEREAS, McIntosh received approval for the Town Lift Project ("Project") through approval by Park City of the Town Lift Concept Plan ("Concept Plan") and Master Plan Development ("MPD") for development of the Property and the Concept Plan and MPD restrict building heights below those allowed in the 1982 agreement; and

WHEREAS, development beyond Phase 1 of the Project requires a comprehensive renegotiation of the 1982 Agreement according to the Concept Plan approval of September 5, 1991, and as part of this comprehensive renegotiation, the parties will determine the appropriate level of mitigation necessary to achieve the desired heights for the project, and

WHEREAS, certain disputes and uncertainties have arisen between McIntosh and Park City concerning the interpretation and application of some provisions of the 1982 Agreement with respect to building height on the affected Property; and

WHEREAS, the present parties to the 1982 Agreement now desire to resolve their differences and the uncertainties by amending the 1982 Agreement;

NOW, THEREFORE, in consideration of the mutual agreements and promises contained in this agreement and to settle the disputes

concerning interpretation of the 1982 Agreement, the parties agree that the 1982 Agreement is amended as follows:

1. NATURAL GRADE ESTABLISHED. The 1982 Agreement stipulated the elevation of the plane of natural grade on the Property with reference to the east retaining wall on Deer Valley Drive, with the plane of the grade sloping from the top of the east retaining wall to the curb on the east side of Park Avenue. This was depicted on Exhibit H to the 1982 Agreement. The parties hereby agree to strike the original Exhibit H, and replace it with the drawing attached to this Amendment and entitled "Designation of Natural Grade", which lowers the highest elevation of the plane of natural grade from the top of the east retaining wall to the top of the west retaining wall on Deer Valley Drive.

2. STREET CONSTRUCTION. The 1982 Agreement did not address the internal circulation within the Property. Based on the plans prepared by McIntosh, it appears that the following streets need to be constructed and dedicated to the public: (1) Main Street extending from Heber Avenue north through the Property to Ninth Street; (2) Ninth Street extending east from Park Avenue to the extension of Main Street, (3) a new Street connecting from the extension of Main Street east to Deer Valley Drive at the north end of the Property; (4) Seventh Street between Main Street and Park Avenue; and (5) a cul-de-sac extending southeasterly from approximately Seventh Street to access the Redevelopment Agency of Park City ("RDA") and McIntosh properties located south of the subject Property, the final location of which will be determined by the parties at the time site plans for the properties are prepared. These streets, and their widths, are shown on the attached exhibit entitled "Street Plan".

3. PHASING OF STREET CONSTRUCTION.

- (a) McIntosh agrees to construct and dedicate the Main Street and Ninth Street extensions (identified as (1) and (3) above) simultaneously with the Phase 1 of the Project.
- (b) The parties desire to connect the extension of Main Street to Deer Valley Drive at the northern end of the

Property. McIntosh agrees that it will grant a temporary easement for this connecting road in Phase 1 of the Project and construct this connecting road to a width of 40 feet, prior to, or simultaneously with, the construction of the Phase 2 of the Project. Phase 1 of the Project is shown on the "Street Plan", and consists of three buildings on the east side of extended Main Street. The connection to Deer Valley Drive will be constructed without financial participation by Park City, and dedicated to the public.

- (c) The cul-de-sac (referred to in (5) above) will be constructed at a mutually agreeable time in conjunction with development of the RDA parcel, provided that a temporary easement has been granted, and vehicular access will be possible even though the street has not been constructed. In addition to these public streets, McIntosh will grant to the owner of the Avise parcel a 20 foot wide easement over the McIntosh Property (and if necessary, over the proposed cul-de-sac) to connect the Avise Parcel through to Main Street along the new cul-de-sac. When built, this cul-de-sac will be constructed without financial participation by Park City, and dedicated to the public.
- (d) The design and ownership of Seventh Street are uncertain at this time. Prior to commencing any construction in phase 2 the design, construction standards and schedule must be approved by Park City. This agreement does not modify any current requirements for Seventh Street.

4. PUBLIC UTILITY EXTENSIONS. In addition to the construction and dedication of the public streets, McIntosh will construct the water, sewer, storm drainage and similar public utilities and improvements necessary for service to the Project as proposed by McIntosh, and also in such capacities as necessary for the proposed uses of the RDA property to the south. Construction

of the utilities will be simultaneous with the construction of the streets in which they are located.

5. PARK CITY'S PARTICIPATION IN INFRASTRUCTURE CONSTRUCTION. Park City agrees to the following:

- (a) Park City, acting through the RDA, will pay the total sum of \$700,000 toward the construction of the necessary streets through the Property described above. It is expected that the construction will be substantially completed by December 1, 1992.
- (b) Park City will appropriate the money in the 1992-93 RDA Budget and hold it in a trust account that will accrue interest. Withdrawals from the account will be made upon the joint signatures of McIntosh and Park City for the sole purpose of paying the costs of construction of the streets and other public improvements shown on the "Street Plan", and as outlined in the construction budget. Payment will be made on the basis of monthly draws for work actually completed, and subject to a retention of 10% until the construction work is complete and accepted by the City Engineer.
- (c) The maximum obligation of Park City for the construction of the improvements shown on the Street Plan is \$700,000. Prior to construction, the City will determine the costs for construction of public improvements ("Costs") based on engineer's estimate and a contractor's fixed bid contract for the completion of construction, if available. The security required for these public improvements will be the difference between 125% of the Costs and \$700,000. McIntosh will secure the difference by a cash escrow or letter of credit as required by Park City ordinance. The difference will be funded by McIntosh simultaneously with Park City funding its share of the obligation.
- (d) Upon acceptance of the improvements and right of way dedication by the City Council upon recommendation of the

City Engineer Park City will assume maintenance and management obligations according to standard practice.

6. TEMPORARY PARKING. To the extent its Property is not being used for either actual building or road construction or construction staging, McIntosh agrees that it will lease its vacant Property to Park City for temporary surface parking lots. At its expense, and in conjunction with the paving of the extension of Main Street, McIntosh will grade and gravel an area of approximately 30,000 square feet located north of the base of the Project suitable for parking. This lot will be accessed from Main Street or Ninth Street. Park City will pay McIntosh the sum of \$10 annually for the lease of this parking, and indemnify and hold McIntosh harmless from any and all claims and costs arising from the public parking use of this portion of the Property, including reasonable attorney's fees incurred by McIntosh defending any claim. The lease will run from year to year, and is terminable upon notice from McIntosh that it needs the Property. Any landscaping associated with the parking lots will be installed and maintained by Park City at its expense.

7. CONVENTION CENTER SPACE. In subsequent phases of the Project, McIntosh agrees to favorably consider allocating approximately 20,000 square feet of interior space to accommodate a convention center. This convention space will not be Main Street frontage space. Neither party is able to commit to the construction of a convention center at this time, but it is the intent of this provision to evidence a desire to preserve future flexibility to include such a facility in a subsequent phase, provided it does not result in increased costs or delays to McIntosh in the development of the Project.

8. REDEVELOPMENT AGENCY FUNDING. The proposed source of the funds committed by Park City is the Redevelopment Agency of Park City. Park City agrees to cause the RDA to appropriate funds in a manner consistent with this Amendment. The availability of RDA funds is contingent upon obtaining an amendment to the Stipulated Judgment entered by the Third District Court in Board of

Education of the Park City School District v. Redevelopment Agency of Park City, Civil No. 7051, Summit County, Utah. This amendment would raise the present ceiling on tax increment paid to the Main Street Redevelopment Project Area ("Project Area") from \$1 million annually to \$1.3 million over the remaining life of the Project Area. Park City agrees to use its best efforts to obtain that amendment. The RDA has joined in this Agreement as a party for the purpose of acknowledging the commitment of its funds to the construction of public improvements as detailed above. In any event, Park City agrees that, in the event it does not fund its portion of the infrastructure construction referred to in paragraph 5 on or before August 1, 1992, this Amendment to Agreement shall be null and void and of no further effect.

9. FUTURE IMPROVEMENTS. Park City and the RDA agree to cooperate with improvements in the area adjoining the Property, including stream corridor enhancements and bike path improvements along Silver Creek. McIntosh will enhance the stream corridor on and adjacent to its property with landscaping and park amenities, such as benches. Improvements will be installed along the existing channel without relocating the stream.

Park City's long-range plans for the south end of City Park can accommodate storm run-off from the areas around Main Street including the Project. McIntosh will offer to Park City, a temporary easement on the Project site sufficient to accommodate storm run-off from the first phase of development. Park City will relinquish the easement when storm retention improvements are installed at the south end of City Park or when development is approved that would displace the easement, which ever comes first. The easement is intended to provide an option for storm retention in the event that the Project is not completed and shall have no bearing on approvals of subsequent development phases. Park City will not require McIntosh to construct or pay for any other retention facilities.

10. PROJECT APPROVAL. On April 22, 1992, Park City granted preliminary plat approval of Phase 1 of the project. Since

that time, McIntosh has revised its plans for Phase 1 which have not been reviewed by Park City. Park City will expeditiously review the Phase 1 plans, as revised, and if the plans substantially conform to the approved plans, will review of those plans as a permitted use as called for under the 1982 Agreement. In order to move forward with street construction so that substantial completion before the 1992-93 ski season is reasonably possible, Park City will approve the street design and construction in advance of the approval of the buildings in Phase 1.

11. EMPLOYEE HOUSING. McIntosh agrees to construct or have constructed and manage or have managed residential units which will be offered to employees in Park City under the terms outlined in this agreement ("Obligation"). The Obligation will be established according the following ratio: one unit of employee housing for each 12,500 square feet (net) of commercial space and one unit of employee housing for each 25,000 square feet (net) of residential space constructed in the Project. An employee housing unit is defined as an independent residential unit of at least 650 square feet with at least one bedroom that is regulated to give priority to local employees (demonstrated by current employment in Park City and/or work history in Park City) when the unit is rented or sold. The unit shall be restricted so that this priority is protected for at least 20 years. Actual construction of the units will occur in no more than three phases with the first phase occurring before more than 50,000 square feet (net) of commercial space or more than 150,000 square feet (net) total space is constructed (see examples below). Each phase shall be of a size that would bring the Obligation current with the construction that is completed or has received a building permit. The employee housing units shall be offered for sale or rent at a rate that returns the cost of construction, financing and management but without any profit to McIntosh. The Obligation is contingent upon Park City selling or otherwise making available sufficient land to accommodate the proposed phase of employee housing and approving that phase for construction. This Obligation satisfies all

requirements for this project to provide employee or affordable housing.

EXAMPLES

Phase	Completed construction or building permits (square feet)		Employee units required
	Commercial	Residential	
1	50,000	100,000	$4 + 4 = 8$
2	30,000	135,000	$2.4 + 5.4 = 7.8 = 8$
Total	80,000	235,000	16

12. POCKET PARK. If McIntosh is able to acquire a leasehold interest in the Utah Power & Light parcel (adjoining the subject Property on the northwest corner, north of Ninth Street) for a nominal consideration, Park City agrees to accept an assignment of that lease and to maintain the area as a pocket park.

13. REMAINDER OF AGREEMENT UNCHANGED. Except as specifically provided in this Agreement, or except as new provisions have been added, the balance of the 1982 Agreement remains in full force and effect in all respects. No additional exactions, impositions, or off-site improvements will be required, provided that McIntosh will pay fees validly imposed by an ordinance of general application in Park City to the extent that such fees are not waived by the 1982 Agreement.

14. SUCCESSORS AND ASSIGNS - NO PARTNERSHIP. The parties and all successors in interest to McIntosh in any portion of the Property are expressly bound by, and are entitled to rely upon, this Amendment to Agreement. No joint venture, association or partnership is created between the parties by this Amendment to Agreement, and the parties expressly agree that the liability of Park City and the RDA is limited to the covenants contained in the 1982 agreement, as amended by this Amendment to Agreement.

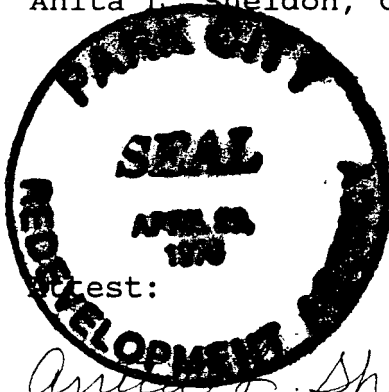
15. FURTHER ASSURANCES. The parties recognize that there will be a continuing governmental review process on the Project as construction drawings are submitted for street and

utility designs, building proposals, and architectural design review for compliance with Historic District Design Guidelines. Park City agrees that it will review these items in good faith and that approval will not be unreasonably withheld or delayed.



Attest:

Anita L. Sheldon
Anita L. Sheldon, City Recorder



Attest:

Anita L. Sheldon
Anita L. Sheldon, Secretary

MADE this 17th day of July, 1992.
PARK CITY MUNICIPAL CORPORATION

By: Bradley A. Olch
Mayor Bradley A. Olch

REDEVELOPMENT AGENCY OF PARK CITY, UTAH

By: Bradley A. Olch
Chairman Bradley A. Olch

MC INTOSH MILL, LTD. a Utah limited partnership

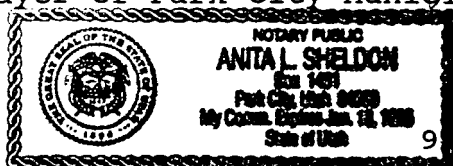
By: Harry Reed
Harry Reed, General Partner Park City

STATE OF UTAH)

COUNTY OF SUMMIT)

) ss.
)

The foregoing Amendment to Agreement was acknowledged before me this 17th day of July, 1992 by Bradley A. Olch, Mayor of Park City Municipal Corporation.



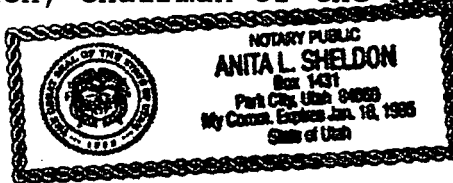
9 of 10

Anita L. Sheldon
Notary Public

Notary Public

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

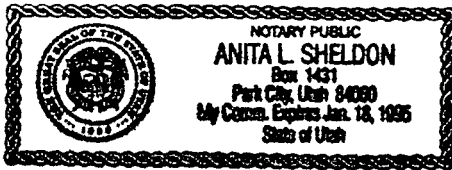
The foregoing Amendment to Agreement was acknowledged before me this 17th day of July, 1992 by Bradley A. Olch, Chairman of the Redevelopment Agency of Park City, Utah.



Anita L. Sheldon
Notary Public

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

The foregoing Amendment to Agreement was acknowledged before me this 17th day of July, 1992 by Harry Reed, General Partner of McIntosh Mill, Ltd., a Utah limited partnership.



Anita L. Sheldon
Notary Public



Lift Lodge At Town Lift - looking southerly



Lift Lodge At Town Lift - looking easterly



Lift Lodge At Town Lift - looking northwesterly



Lift Lodge At Town Lift - looking northerly