



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH,
December 4, 2014**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, December 4, 2014.

Study Session

1:45pm Community Futures Dialogue

PG 3

3:45pm Break

Work Session

3:50pm Council Questions and Comments and Manager's Report

PG 7

4:00pm Special Events Discussion

PG 8

4:30pm Historic District Grant program

PG 25

5:00pm Blue Ribbon Commission related to Council Commission

PG 61

5:30pm Courchevel Sister City Program Discussion

PG 65

5:55pm Break

Regular Meeting

6:00 pm

I. ROLL CALL

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

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

IV. CONSIDERATION OF MINUTES FROM THE NOVEMBER 20, 2014 COUNCIL MEETING

PG 87

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

1. Consideration of the annual Summit Land Conservancy monitoring contract in the amount of \$30,391.58 in a form approved by the City Attorney.

PG 93

2. Consideration of the authorization of the annual insurance premiums to fund the City's insurance placements for the 2015 calendar year. PG 107

3. Consideration of authorization for the City Manager to execute the First Amendment to the Professional Services Agreement, in a form approved by the City Attorney, with URS Corporation for services related to the Natural Resource Damage aspects of the Richardson Flat Tailings Site OU4 (the Prospector Drain) Administrative Order on Consent (AOC) for an increase to the contract in an amount not to exceed \$21,450 PG 111

VI. OLD BUSINESS

1. Consideration of the Subdivision Plat Thayne's Creek Ranch Estates Phase II located at 510 Payday Drive, Park City, Utah, pursuant to findings of fact, conclusions of law and conditions of approval in a form approved by the City Attorney PG 115
(a) Public Hearing
(b) Action

VII. NEW BUSINESS

1. Consideration of the Main Street Parking Initiative and Water Fee Schedule Resolution amendment PG 265
(a) Public Hearing
(b) Action

VIII. ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4 p.m. to 9 p.m. Posted: 12/01/2014 See: www.parkcity.org

Park City Council Staff Report



Author: Phyllis Robinson, Public Affairs Manager
Subject: Community Futures Study Session
Date: December 4, 2014
Type of Item: Study Session

RECOMMENDATION:

Staff recommends that the Council discuss its current priorities in context of its stated future desired outcomes, rank priorities and develop a set of indicators to measure impact of alternative action plans. This study session is a precursor to the 2015 Council Retreat.

Background:

As part of the 2014 Council Retreat, the Mayor and Council described its dreams for Park City.

*Park City would be a **complete town**, a place where residents can **downsize** and still **stay** in the community and our children and grandchildren have **job and opportunity** to return. Residents would have access to **adequate medical care, education, representation, and safe places to live**. Park City would be an **active leader in sustainability**, recognized as a place with unique, seamless and affordable **transportation options** and **where you don't need a car**. We would be a **think-tank community** that supports and nurtures **creativity** and has energy for **shared ideas**. We would be a **visually appealing** community conscious of the **aesthetics of decisions and adapting to growth** around us **through collaboration with our neighbors**. We would **preserve our small town identity** and **Main Street** would keep its **local look and feel**.*

Park City Council also identified its 2014-15 priorities.

2014 Top Priorities

- Middle Income, Attainable and Affordable Housing
- Increase citizen involvement through outreach/gov't holistic decision making
- Historic Preservation: Main Street preservation plan and keep national historic site designation
- Lower Park Avenue Redevelopment Plan/Lower Park Avenue Master Plan.
Transportation: Congestion Reduction; Local and Regional Plans

2014 High Priorities

- Increase Green Building Standards
- Open Space Acquisition

- Water Conservation
- Community wide renewable energy policy and action plan
- Plan for Safe, Clean Soils
- Treasure Hill Resolution
- Regional Collaboration
- Broadband/fiber

Study Session Purpose:

In August 2014 Council held a midyear review on the priorities it established at the Council Retreat in February 2014. At the midyear review, staff provided information on what has been accomplished to date and what was anticipated to occur. One of the items on the midyear review agenda was a forward looking exercise to consider how our priorities align with our dreams. This discussion, the Community Futures Dialog, was deferred due to time constraints. This study session is a facilitated conversation for Council to consider our envisioned future state and to back cast against our present stated priorities. This Study Session is a precursor to the 2015 City Council Retreat.

The value of focus: Council identified 13 priorities during its 2014 City Council Retreat. One consideration is that by establishing too many priorities do we run the risk of limiting ourselves to incremental accomplishments versus systemic progress. As we prepare for the 2015 Council retreat staff is asking Council to consider focusing on the two or three areas in which we need to make *significant* progress in the next few years.

This doesn't mean that it is all we will work on, but rather it will bring high focus to things we need to "get right" in order to continue to make progress in many areas. Last year, for example, the City Council did not identify business incubation as one of the 13 Priorities – but staff still worked with the Park City Project/Pando Labs and with Summit County this business incubation supporting effort. Likewise, water quality wasn't identified as a City Council priority in the past few years, yet the City opened a new water treatment plant, performed some cutting-edge testing of different types of distribution cleaning technologies, and signed a Stipulated Compliance Order to work with the Environmental Protection Agency and the Utah Department of Environmental Quality on Judge and Spiro Tunnel Discharge.

Study Session Discussion Topics:

The study session will focus on bringing clarity, focus and prioritization to Council priorities. In preparation for the study session staff has identified three discussion areas: Clarity, Priority and Indicators for Council to consider in advance of and during its study session discussion.

1. **Clarity.** The better that staff understands what Council's desired **outcome** of each priority - the Why – the more effective we can be in designing **programs** and approaches to advance Council's priorities in the short term and develop plans for long term solutions. For example, understanding Council's motivation in prioritizing *Middle Income, Attainable and Affordable Housing*, is important to ensure that our

efforts will have the desired impact. Designing programs to promote a local workforce for economic competitiveness may suggest a different housing mix for Park City, than one promotes community vibrancy and diversity, or emphasizes congestion reduction and/or air quality improvement by reducing the commuter traffic stream.

Discussion Questions

- a. What is the desired outcome underlying each priority in the near term (two to three years) and long term (15 – 20 years)?
 - b. Based on the Why, are there some existing priorities that could be recast into more descriptive outcome -focused statements rather than action or program-focused in order to provide clarity of vision? An example might be “Regional Collaboration” – rewording it to be “Strong, Mutually Respectful Regional Relationships”
 - c. Do we have direct or indirect control of the outcome? For example, the City has a greater ability to affect how the City-owned properties in Lower Park Avenue look and feel in 20 years than we do on properties that the City does not own. Likewise, while the City can *influence* the outcome of the Community Carbon Footprint 20 years in the future, we have nearly complete *control* over the Municipal Carbon footprint 20 years in the future.
2. **Priority.** Council has a broad set of 13 priorities that touch on many aspects of the community. Some priorities have more fully developed programmatic aspects and are on a success trajectory. Are there two or three priorities that if we don’t address them DIFFERENTLY than we are addressing them today, it could have long term negative impact on the community or limit on our ability to achieve other objectives?

Discussion Questions

- a. Which priorities do we already know the Outcome that we want in 20 years AND we already have the “recipe for success” (we already have the tools & how to use them). **Open Space** might be one example.
Outcome: preserving the open space we have; and b) acquire 20 more parcels of open space (one each year).
Recipe for Success:
 - ½ of the Additional Resort Communities Tax
 - New voter approved bond, if we need it
 - Partnerships with land conservancies
 - Partnerships with other jurisdictions
- b. For which priorities do we NOT know the specific outcome we want to achieve in 20 years OR do not already have the “recipe for success?”

- c. Can we identify a short list of priorities and commit to organizational high focus over the near term in order to increase its impact and our chance of success?

3. Indicators. Multiple criteria can be applied when considering proposed projects/actions to move Park City along its path towards achieving an identified 20-year outcome. Currently we consider the impact (positive, neutral or negative) upon our four Council Goals: World Class, Historic, Multi-Seasonal Resort Destination, Preserving and Enhancing the Natural Environment, An Inclusive Community of Diverse Economy and Cultural Opportunities, and Responsive, Cutting-Edge and Effective Government.

Discussion Question

Are there other indicators, cost, impact, or time to implement being a few examples, that would help in ranking one project/action over another for each prioritized outcome?

Next Steps:

This study session is a prelude to the 2015 Council Retreat. Based on the outcomes of the study session, staff will identify one or more paths forward that could be taken to further Council priorities. Between this study session and the 2015 Council Retreat, staff will also detail how each project/action meets or does not meet the criteria established by City Council. These scenarios will be presented to Council for consideration and discussion during its retreat.

DEPARTMENT REVIEW:

This report was reviewed by the City Attorney's and by the City Manager.

RECOMMENDATION:

Staff recommends that the Council discuss its current priorities in context of its stated future desired outcomes, prioritize those outcomes and identify set of indicators to evaluate proposed alternative action plans. This study session is a precursor to the 2015 Council Retreat.



**To: Honorable Mayor/Members of City Council
Management Team**

From: City Manager's Office

MANAGER'S REPORT – December 4, 2014

Sundance Parking Rates – submitted by Brian Andersen

Based on debrief meetings held by Event's staff, the following changes are recommended to the parking management plan for the 2015 Sundance event. All changes will be enacted by the City Manager as designated in the Park City Fee Schedule.

The changes are:

- 1) Begin charging from the event booths on Thursday, January 22, 2015. This corresponds with the day parking is scheduled for removal on both sides of Main Street, and the event is starting on this day. Booths will be located at the top and bottom of China Bridge and in the Flag Pole lot.
- 2) Increase the guaranteed parking permit for China Bridge Level S2 from \$350 to \$450. The raised amount is based on having no price increases for several years, adding an extra day, and congruence with the HPCA proposed changes to the regular permit program.
- 3) Increase the booth entry fee from \$20 to \$25. Charges would begin Thursday, January 22, 2015 (one day earlier than last year) and would run through Monday, January 26, 2015. The fee would remain \$10 per entry beginning Tuesday, January 27, 2015 through the end of the festival.
- 4) Enact the Special Event increased parking fines beginning Tuesday, January 20, 2015 for Main Street and on Thursday, January 22, 2015 for all other areas. The event fines are \$150 for obstructing traffic or buses and ADA, \$75 for all other violations.



City Council Staff Report

Subject: Event Thresholds
Author: Jason Glidden
Department: Sustainability
Date: December 4th, 2014
Type of Item: Administrative

Summary Recommendations:

Staff is seeking City Council's affirmation on their goals related to Special Events. Staff recommends Council direct staff on scope and timeline of related next steps and action items to implement those goals.

Topic/Description:

The purpose of this staff report is to affirm Council goals discussed at a Study Session on October 9, 2014 and seek direction and support to implement next steps staff is proposing in order to achieve those stated goals:

- Reduce event impacts on residential neighborhoods;
- Create a tool for evaluating and prioritizing events;
- Increase community participation in event planning and debriefing; and
- Effectively and efficiently utilize City resources.

City Council should also consider this conversation in the context and implication of broader community sustainability goals and see Events as a microcosm of the balance of supporting local business and our continued quality of life and experience. While events have a major economic impact on the local (and State) economy they stress our transportation, parking, and natural resources systems in addition to our small town feel.

We believe the trend of growing both the number of participants (size) and amount of special events and the resulting impacts is similar and indicative of other pressures stemming from growth. Staff intends to continue to analyze this "threshold" concept (how much is too much?) on a broader system level (transportation, land use planning, economic development, environmental) and return to Council with a focused discussion on projected growth, impacts, carrying capacity and ultimately what does it mean to "keep Park City, Park City"?

Background:

On October 9, 2014, staff facilitated a study session with Council to discuss Special Events in Park City. During that conversation, Council members expressed concerns regarding the impact of events on the Park City community. Discussions centered on finding a "balance" between the positive economic outcomes that events bring to the community, and the negative impacts such as traffic and parking congestion. Additional

dialog focused on the growth of community gatherings that have morphed into large-scale events, which has begun to deter local residents from attending.

City Council also discussed possible tools that could be utilized to mitigate event impacts and help to decrease “event fatigue” in the Park City area. These discussions focused on increasing community involvement, and finding a balanced way to evaluate and prioritize the event calendar based on location, timing and size of each event.

Lastly, Council discussed resources that the city utilizes to regulated, organize, promote, and facilitate events in Park City. Council requested that staff return with a clearer picture of the level of support that the City provides for events. Staff plans to return to Council in early 2015 with that information. The analysis will include direct financial and fee waiver analysis in addition to amount of city services.

Analysis:

Staff reviewed the comments provided during the study session, and has developed a list of recommended next steps to address the concerns raised by Council. Staff believes that currently there is a lack of tools to deny events beyond issues related to public safety. A matrix of recommended next steps is provided below along with a brief description and proposed completion date. These projects will help to reach the stated goals above while paving the way for the City to have the ability to say no to events that do not help build the community through positive economic benefits and minimal negative impacts.

PROJECT	DESCRIPTION	PROPOSED COMPLETION DATE
Special Event Advisory Committee	Creation of a group of community stakeholders that will provide feedback on events including: event prioritization, event funding, and debrief information. Participants of this group would include: Chamber, HPCA, Lodging Association, Restaurant Association, resort representatives, and two at-large community members. Similar to RAB, appointments would come from Council through an application & interview process	Feb-15

Event Prioritization Process	Finalize process for prioritizing events based on a number of weighted criteria.	Feb-15
Code Changes on Event Type	Propose changes to Municipal Code that will create new event type that will realign event types based on impacts caused. Each event type would have different requirements such as: insurance, application deadlines, and permit fees.	Feb-15
Resident Notification Requirements	Create list of public notification requirements for events causing localized impacts on residential areas or business districts	Feb-15
Event Venue Guideline Sheets	One page sheets that would outline City owned venues and provide guidelines specific to that venue. Items included would be: General type of event activity, parking availability, hours of operations, public transit availability, and other general restrictions.	Mar-15
Reorganization of 4th of July Event	Rework 4th of July event to reduce impacts on the community and create an event that will continue to draw local residents to the event.	Jul-15

Issues for Discussion

1. Do we have the right goals?
 - a) Reduce event impact on residential neighborhoods;
 - b) Create a tool for evaluating and prioritizing events;
 - c) Increase community participation in event planning and debriefing; and
 - d) Effectively and efficiently utilize City resources.
2. Do you want staff to come back to Council with Code Changes to give the City ability (authority) to not permit an event beyond public safety and welfare?

Department Review:

Economic Development, Building, Public Safety, Planning, City Manager, Legal, and Special Events departments have reviewed this report.

Alternatives:**A. Approve:**

Affirm staff's recommendation to move forward on proposed next steps.

B. Deny:

Council could direct staff not to proceed with proposed next steps.

C. Modify:

Council could modify proposed next steps and Council direction.

D. Continue the Item:

Council could choose to continue the item and request that staff bring additional information back to Council.

E. Do Nothing:

Council could take no action. This would provide not direction to staff.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Balance between tourism and local quality of life + Varied and extensive event offerings + Unique and diverse businesses + Multi-seasonal destination for recreational opportunities	- Reduced municipal, business and community carbon footprints	+ Preserved and celebrated history; protected National Historic District + Shared use of Main Street by locals and visitors + Entire population utilizes community amenities + Community gathering spaces and places + Vibrant arts and culture offerings	+ Well-maintained assets and infrastructure + Streamlined and flexible operating processes + Ease of access to desired information for citizens and visitors
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Very Positive 	Negative 	Very Positive 	Positive 
Comments:				

Funding Source:

Special Events and Economic Development.

Consequences of not taking the recommended action:

Staff will lack direction on next steps to take to improve special events and reach Council-stated goals.

Recommendation:

Staff is seeking affirmation on direction, scope, and timeline of action items related to special events.

EXHIBITS

Exhibit A - Draft Event Type Determination Sheet

Exhibit B - Draft Event Prioritization Sheet

Exhibit C - Draft Event Venue Guideline Sheet

EXHIBIT A-EVENT TYPE DETERMINATION SHEET

EVENT NAME _____

EVENT DATE _____

	1	2	3	
Attendance	0-199	200-499	500+	
Public Use	Free Access	Limited Access	Closed to Public	
Property	Event Space	Private Property	Public Property	
Traffic Impact	very little - increased beyond normal flow	moderate - partial road closure,	very high - multiple full road closure	
Impact on Public Parking	0-25 spots	26-100 spots	over 100 spots	
Noise Impact	none	Under 65 db	Over 65 db	
Cost of city service/fee waivers	\$0-\$499	\$500-\$15,000	Above \$15,000	
Transit	Regular	Enhanced with current resources	Enhanced with additional resources	
Jurisdiction	Single	Two	Multiple	
Risk Managment Impacts	Low	Medium	High	
Duration	1- 5 hours	1 day	multiple days	
			TOTAL	0

TOTAL POINTS	
SMALL SCALE COMMUNITY EVENT/	1 to 17
SPECIAL EVENT	18 to 24
MASTER FESTIVAL	25 and above

EXHBIT B-Special Events Grading Criteria			Wasatch Citizens Series	Rail Trail Snow Shoe	Sundance	TAO @ theLift	2014 FIS Freestyle World Championship	2014 Freeskiing Grand Prix	Full Moon SnowShoe	Tubbs Romp- to-Stomp	Gallery Stroll	Mountain Trails Foundation / Round Valley Round-up
	Points		0	0	0	0	0	0	0	0	0	0
Economic Impact (Graded by SE Staff & JV-Chamber)												
Lodging (1 - little or no activity)	1 - 20											
Restaurant Sales (1 - little or no activity)	1- 10											
Retail Sales(1 - little or no activity)	1- 10											
Consistent with Park City brand (i.e., high altitude training; outdoor recreation; art/culture (1 - not consistant)	1- 10											
Total Possible Points (Higher score equals more economic impact)	50		0	0	0	0	0	0	0	0	0	0
Community Impact (Graded by SE Staff)												
Enhancement to local quality of life (1 - no enhancement)	1- 10											
Enhancement to visitor experience (1 - no enhancement)	1- 10											
meets restrictions re: local use vs destination visitor use or venues (1 - Mostly Local)	1 - 10											
Total Possible Points (Higher score equals more enhancement to community)	30		0	0	0	0	0	0	0	0	0	0
Mitigation of Impacts (Graded by Ops Review)												
Limited use of PCMC resources (1- large amount of resources required 10 - little resources required)	1- 10											
Limited traffic/congestion/street closures(1- large amount of resources required 10 - little resources required)	1 - 10											
Total Possible Points (Lowerer score means larger impact to Staff time and public)	20		0	0	0	0	0	0	0	0	0	0
TOTAL SCORE			0	0	0	0	0	0	0	0	0	0

EXHBIT B-Special Events Grading Criteria			Haiti Ability Ski Challenge	Red,White, Snow	Young riders Bike Swap	The Rush at Round Valley	Running With Ed	PCHS Memorial 5K	Friday Skate Jams	Midweek Mtn Bike Race Series	Avalanche Benz Cup
	Points		0	0	0	0	0	0	0	0	0
Economic Impact (Graded by SE Staff & JV-Chamber)											
Lodging (1 - little or no activity)	1 - 20										
Restaurant Sales (1 - little or no activity)	1- 10										
Retail Sales(1 - little or no activity)	1- 10										
Consistent with Park City brand (i.e., high altitude training; outdoor recreation; art/culture (1 - not consistant)	1- 10										
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Community Impact (Graded by SE Staff)											
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Total Possible Points (Lowerer score means larger impact to Staff time and public)	20		0	0	0	0	0	0	0	0	0
TOTAL SCORE			0	0	0	0	0	0	0	0	0

EXHBIT B-Special Events Grading Criteria			Childerens Fair	Park Silly Sunday Market (PSSM)	PC Ski Town LAX	Share the Road	Press Camp (DV)	RUN Events	Ragnar Relay	Savior the Summit	MTB Race Series
	Points		0	0	0	0	0	0	0	0	0
Economic Impact (Graded by SE Staff & JV-Chamber)											
Lodging (1 - little or no activity)	1 - 20										
Restaurant Sales (1 - little or no activity)	1- 10										
Retail Sales(1 - little or no activity)	1- 10										
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Community Impact (Graded by SE Staff)											
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Mitigation of Impacts (Graded by Ops Review)											
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Limited traffic/congestion/street closures(1- large amount of resources required 10 - little resources required)	1 - 10										
Total Possible Points (Lowerer score means larger impact to Staff time and public)	20		0	0	0	0	0	0	0	0	0
TOTAL SCORE			0	0	0	0	0	0	0	0	0

EXHBIT B-Special Events Grading Criteria			YBDIO	Sundance Outdoor Film Festival	Chamber Music Series in City Park	Back Alley Bash	Fire Cracker Baseball Tournament	4th of July	4th Rugby	PC Adult Soccer	PC Food and Wine
	Points		0	0	0	0	0	0	0	0	0
Economic Impact (Graded by SE Staff & JV-Chamber)											
Lodging (1 - little or no activity)	1 - 20										
Restaurant Sales (1 - little or no activity)	1- 10										
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Limited traffic/congestion/street closures(1- large amount of resources required 10 - little resources required)	1 - 10										
Total Possible Points (Lowerer score means larger impact to Staff time and public)	20		0	0	0	0	0	0	0	0	0
TOTAL SCORE			0	0	0	0	0	0	0	0	0

EXHBIT B-Special Events Grading Criteria			Triple Crown	Pioneer Day Celebration	Dealer Camp(DV)	Classic Car Show	Big Stars	Extreme Soccer	Arts Fest	Jupiter Peak Steeple	Tour of Utah
	Points		0	0	0	0	0	0	0	0	0
Economic Impact (Graded by SE Staff & JV-Chamber)											
Lodging (1 - little or no activity)	1 - 20										
Restaurant Sales (1 - little or no activity)	1- 10										
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Limited traffic/congestion/street closures(1- large amount of resources required 10 - little resources required)	1 - 10										
Total Possible Points (Lowerer score means larger impact to Staff time and public)	20		0	0	0	0	0	0	0	0	0
TOTAL SCORE			0	0	0	0	0	0	0	0	0

EXHBIT B-Special Events Grading Criteria			PC Marathon	NAC Summit Challenge	PC Women's Classic Softball	Farm to Table	Point 2 Point Mtn Bike Race	Miner's Day	Mid Mountain Marathon	Scarecrow Fest	Park City Cross Country Half Marathon
	Points		0	0	0	0	0	0	0	0	0
Economic Impact (Graded by SE Staff & JV-Chamber)											
Lodging (1 - little or no activity)	1 - 20										
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Total Possible Points (Lowerer score means larger impact to Staff time and public)	20		0	0	0	0	0	0	0	0	0
TOTAL SCORE			0	0	0	0	0	0	0	0	0

EXHBIT B-Special Events Grading Criteria			Pink Half Marathon	Plaza Palozza / Silver Star Café	Stien's Concert Series	IDIDARACE	Halloween on Main	White Pine/TUNA Relay	Utah High School Cycling Leage Race	Park City Cross Country Half Marathon	Red Rock Relay
	Points		0	0	0	0	0	0	0	0	0
Economic Impact (Graded by SE Staff & JV-Chamber)											
Lodging (1 - little or no activity)	1 - 20										
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Total Possible Points (Higher score equals more economic impact)	50		0	0	0	0	0	0	0	0	0
Community Impact (Graded by SE Staff)											
Enhancement to local quality of life (1 - no enhancement)	1- 10										
Enhancement to visitor experience (1 - no enhancement)	1- 10										
meets restrictions re: local use vs destination visitor use or venues (1 - Mostly Local)	1 - 10										
Total Possible Points (Higher score equals more enhancement to community)	30		0	0	0	0	0	0	0	0	0
Mitigation of Impacts (Graded by Ops Review)											
Limited use of PCMC resources (1- large amount of resources required 10 - little resources required)	1- 10										
Limited traffic/congestion/street closures(1- large amount of resources required 10 - little resources required)	1 - 10										
Total Possible Points (Lowerer score means larger impact to Staff time and public)	20		0	0	0	0	0	0	0	0	0
TOTAL SCORE			0	0	0	0	0	0	0	0	0

EXHBIT B-Special Events Grading Criteria											
	Points		0	0	0	0	0	0	0	0	0
Economic Impact (Graded by SE Staff & JV-Chamber)											
Lodging (1 - little or no activity)	1 - 20										
Restaurant Sales (1 - little or no activity)	1- 10										
Retail Sales(1 - little or no activity)	1- 10										
Consistent with Park City brand (i.e., high altitude training; outdoor recreation; art/culture (1 - not consistant)	1- 10										
Total Possible Points (Higher score equals more economic impact)	50		0	0	0	0	0	0	0	0	0
Community Impact (Graded by SE Staff)											
Enhancement to local quality of life (1 - no enhancement)	1- 10										
Enhancement to visitor experience (1 - no enhancement)	1- 10										
meets restrictions re: local use vs destination visitor use or venues (1 - Mostly Local)	1 - 10										
Total Possible Points (Higher score equals more enhancement to community)	30		0	0	0	0	0	0	0	0	0
Mitigation of Impacts (Graded by Ops Review)											
Limited use of PCMC resources (1- large amount of resources required 10 - little resources required)	1- 10										
Limited traffic/congestion/street closures(1- large amount of resources required 10 - little resources required)	1 - 10										
Total Possible Points (Lowerer score means larger impact to Staff time and public)	20		0	0	0	0	0	0	0	0	0
TOTAL SCORE			0	0	0	0	0	0	0	0	0

EXHIBIT C

North City Park – North Sullivan Road



USE SPACES

1. Two (2) Sand Volleyball courts
2. Two (2) Tennis courts
3. One (1) Standard Pitch (cannot be use if # 4 is booked)
 - a. Rugby
 - b. Football
 - c. Lacrosse
 - d. Multiple Grass Volleyball courts
 - e. Other similar uses
4. One (1) Softball field (cannot be use if # 3 is booked)
5. One (1) Full Basketball Court
6. Recreation Center and Bathrooms
7. Two (2) Sand Volleyball courts

AMENITIES

- 2 restrooms
 - o Portable restrooms required for Events w/ 500 + attendees

PARKING

- 130 Onsite public parking spaces

EVENT EXAMPLES

- Park City Rugby Tournament
- Component of 4th of July & Miners Day celebration
- Grass Volleyball Tournament
- Lacrosse Tournament
- Component of Larger Softball Tournament

Miner's Hospital –Gazebo – Picnic Area at City Park – Sullivan Road



USE SPACES

1. Miner's Hospital – Three (3) rentable spaces (floors)
 - a. 49 persons maximum occupancy per floor
 - b. 150 persons maximum occupancy with entire building rental
 - c. 3 restrooms (not open to the public)
2. Gazebo and grass area
3. Picnic and grass area
4. Restrooms

AMENITIES

- 2 restrooms
 - o Portable restrooms required for Events w/ 500 + attendees

PARKING

- 130 On-site public parking spaces in park
- 57 adjacent to this area

EVENT EXAMPLES

- Park City Municipal Employee Party
- Children's Fair
- Component of 4th of July & Miners Day

Skateboard Park and Mawhinney Parking – South Sullivan Road



USE SPACES

1. Restrooms
2. Skate Park
3. Mawhinney Parking Lot – 72 spaces

AMENITIES

- 2 restrooms
 - o Portable restrooms required for Events w/ 500 + attendees

PARKING

- 130 On-site public parking spaces in park
- 15 adjacent to this area
- 72 spaces in Mawhinney Lot

EVENT EXAMPLES

- Skate Series
- Component of 4th of July & Miners Day
- Tour de Suds

Event Type	Iconic & Contracted	MFL	SE	SSC
Hours used	10	16	0	0



City Council Staff Report

Subject: Historic District Grant Program
Author: Anya Grahn, Historic Preservation Planner
Thomas Eddington, Planning Director
Department: Planning Department
Date: December 4, 2014
Type of Item: Administrative

Summary Recommendations:

Staffs recommends City Council review the recommended changes to the Historic District Grant Program and adopt a policy for the administration of the program.

Topic/Description:

Since 1987, the Historic District Grant program has operated continuously with the support of City Council and the Historic Preservation Board (HPB). The Historic Preservation Grant program was originally housed in the Capital Improvement Project (CIP) and funded with the Main Street and Lower Park Avenue (LPA) RDA funds as directed by Council and included in the RDA resolutions. With recent changes to the government accounting rules (GASB), the City can no longer fund capital improvement projects with CIP funds for projects or assets the City does not own. This includes the Historic Preservation Grant program.

Background:

The Historic District Grant Program began with over \$500,000 in Redevelopment Funds for rehabilitation and historic preservation incentives in 1987. Matching grants are awarded to property owners to assist in maintaining and preserving their historic commercial and residential structures. Currently, the City's funds may be utilized to fund exterior improvements only. All work must comply with the Design Guidelines for Historic Districts and Historic Sites.

The Historic Preservation Grant program was originally housed in the Capital Improvement Project (CIP) and funded with the Main Street and Lower Park Avenue (LPA) RDA funds as directed by Council and included in the RDA resolutions. The majority of historic preservation grants are awarded within the RDA boundaries. Occasionally some historic preservation grant applications were received from property owners outside the RDAs. To provide for this, Council allocated some general fund (GF) transfer funding in the CIP for these applications.

With recent changes to government accounting rules (GASB), the City can no longer fund capital improvement projects with CIP funds for projects or assets the City does not own. Historic Preservation Grants fall into this category. In order to continue the Historic Preservation Grant program, as part of the FY2014 budget process (adopted in June 2013), the Finance and Budget Managers moved funding for the program into the operating budget. At that time, the amount remaining in the CIP from the GF transfer

was \$47,000. This was the total amount available to be drawn down or carried forward into future years (the total amount available from the GF was \$47,000). When the budget was moved to operating, that amount was entered into the operating budget as an annual amount. Meaning rather than a total of \$47,000, the program now has an annual amount of \$47,000 per year for properties in the general fund area (City limits) but not eligible for funding in an RDA.

The Grant Program budget also now includes two (2) non-departmental operating budgets for both the Main Street and Lower Park Avenue (LPA) RDA. The direction which has been provided by City Council was that Historic Preservation Grants are a high priority for the City and the RDA. As part of the FY2015 budget, Council approved funding for the Grant Program within the LPA RDA at \$50,000 per year and the Main Street RDA at \$30,000 per year. It was recommended that total annual expenditures within the RDA's could exceed the budgeted amount only after approval by City Council. Any adjusted budgeted amount within the RDA would be approved as part of the year-end budget adjustment process. If the total amount of the awards (within the 3 GL codes) goes over the Council-approved allocated budget then it needs to go back to Council for approval. Normally, we adjust the budget at the end of the fiscal year where we provide a public hearing. The total annual budgeted amount available to the Historic District Grant Program is as follows:

Lower Park RDA*	\$50,000
Main Street RDA*	\$30,000
<u>City Wide (General Fund)</u>	<u>\$47,000</u>
Total	\$127,000

**Amount in excess of budget to be approved by Council as determined available in the Lower Park or Main Street RDA.*

City Council held a work session on October 9, 2014, to discuss changes to the Historic District Grant program (see minutes, Exhibit A). During the October work session, City Council brought up several points related to staff's suggestions:

- City Council wanted the grant program to be a "first come, first serve" program. They found that reviewing grants on a quarterly basis would make the grant program too competitive and would not benefit historic preservation efforts.
- Staff had recommended that the Historic Preservation Board (HPB) be limited to awarding up to \$15,000 as this was consistent with contract awards; however, City Council found that the HPB should be able to award up to \$25,000.
- Staff had recommended the grant program provide greater funding to primary residents compared to secondary residents to incentivize homeownership in Old Town. City Council was divided as to the percentage amounts and whether or not this was necessary. They found that the purpose of the grant was not to incentivize primary residents in Old Town, but preserve the historic structures.
- City Council directed staff to review the Grant Program with the HPB prior to City Council adopting a policy.

Currently, the grant program is “on hold” until City Council adopts a policy to administer the program.

Analysis:

Staff met with the HPB to discuss changes to the Historic District Grant Program on November 5, 2014. The following outlines these proposed changes to the policy:

Historic District Grant Application Process

1. Grant Application

Applicants typically complete the grant application (Exhibit A) following a Historic District Design Review (HDDR) approval. Staff and the HPB discussed the following changes to the grant application:

Cost of Proposed Work

Staff recommended adding language to the grant application requiring the applicant to submit three (3) construction bids for the proposed work. Staff found that by doing so, the HPB could evaluate the cost of the proposed work based on three (3) bids. Staff believed this would prevent the City from providing grant funds to the highest bidder, but provide grant funds due to a reasonable cost estimate of the proposed work.

The Historic Preservation Board did not agree to requiring three (3) bids. They found that this could be an additional expense to the property owner, extend the project schedule, and would likely discourage applicants from applying for Historic District Grants.

Eligible Improvements

The Historic Preservation Board agreed with staff that additional eligible improvements should be added to the Historic District Grant program. These included:

- cladding repair
- architectural ornamentation
- weatherization of historic windows and doors
- abatement of hazardous materials
- stabilization/preservation of industrial mine structures.

In regards to the mine structures currently protected by the Historic Sites Inventory (HSI), the grant fund would only help fund work on those mine structures located on privately owned property. There are a few aerial tramway towers located on private residential property. Past work completed by the Park City Museum was financed with abatement funds. Going forward, any work completed by the Park City Museum will be conducted through a special service contract.

The Historic Preservation Board (HPB) also expressed interest in covering the architectural fees for completion of Physical Conditions Reports and Historic Preservation Plans that are required as part of the Historic District Design Review

(HDDR) application. The Board found that the additional expense of the Physical Conditions Report and Preservation Plan increases the already costly price of rehabilitating the historic structure. The HPB believed these reports could be completed prior to the HPB grant hearing, and the HPB would reimburse the applicant for the cost of the Physical Conditions Report and Historic Preservation Plan. The amount to be reimbursed for each individual report would be up to \$1,500.

Ineligible Improvements

The Historic Preservation Board agreed with staff that the following improvements should be added to the list of ineligible items on the Historic District Grant program. These included relocating/moving historic structures horizontally on the lot, HVAC/Mechanical Systems Upgrades, and any restoration work covered or funded by insurance.

Painting and roofing are considered the responsibility of the homeowner, but may be considered under specific circumstances. Staff and the HPB agreed to continue reviewing these improvements on a case-by-case basis.

2. Applicant Eligibility

Currently, any property owner of a historic property is eligible for the grant program. During the April 10, 2014, joint HPB-City Council work session, the HPB and City Council discussed the possibility of limiting the availability of grant funds based on primary and secondary ownership for residential properties. Over the last year, over half of the grants awarded were for second homeowners.

Staff had recommended:

- Houses lived in by primary residents (those houses in which the homeowner or a renter lives in full time) be awarded up to fifty percent (50%) of their construction costs, while homes which are used as secondary-home or nightly rental (i.e. not lived in by primary residents) be awarded up to thirty-five percent (35%).
- This will allow the City to reward primary residents in the City's Historic District while also supporting their ability to maintain and preserve their historic properties.
- Commercial properties would continue to be eligible for up to fifty percent (50%) of construction costs regardless of ownership.
- During the October 9, 2014, work session, some members of City Council recommended that the percentage be raised greater than 50% for primary residents.

The HPB was supportive of granting additional funds to primary residents over secondary residents. The HPB recommended that primary residents continue to receive up to 50% and secondary homeowners receive up to 40% of reimbursement costs. Commercial property owners would continue to receive up to 50% of reimbursement costs.

The HPB also proposed to increase the amount of grant funds awarded should a property owner improve the historic designation of the property. The HPB recommended awarding an additional 10% to property owners committed to renovating a significant structure in order to elevate its status to Landmark. Planning staff will work with the Historic Preservation Board to set required criteria for these unique cases. Further, following the renovation, Planning staff will return to the HPB with a Determination of Significance (DOS) in order to adopt the change.

3. *Historic Preservation Board Review & Hearing*

Grant funds are awarded based on the extent of the proposed work and historical significance of the property. The HPB generally does not review the applicant's financial need for the grant, unless it is specifically shared by the property owner. There is no limit to the amount of grant funds awarded; however, up to fifty percent (50%) of eligible preservation work may be granted. Grant applications are currently reviewed by the Historic Preservation Board (HPB) on a "first come, first serve" basis.

Staff had proposed that City Council adopt a policy requiring the Historic Preservation Board to award grants up to \$15,000, which is consistent with the City's contract policy; however, no single award would exceed \$15,000 without the approval of City Council. City Council found that \$15,000 was too small of an amount and recommended that the amount be increased to \$25,000. During the November 5, 2014, meeting, the HPB requested that the amount be increased to \$45,000. The HPB did not want to draw out the grant application process for the applicant or add to City Council's workload. Any grant amount exceeding \$45,000 would require City Council approval.

In discussing this with the Budget Manager, staff finds that it would be appropriate to limit the amount to \$25,000. Staff had recommended limiting the amount of individual grants in order to sustain the allocated funding. Further, the purchasing policy specifies different limits at which point Council must approve contracts (over \$15,000 for items not anticipated in the current budget and \$25,000 on all other contracts). The concept behind the consent agenda is to allow Council the quickly review a recommendation from staff or an appointed board. Staff finds that this will consume additional time on the part of the applicant; however, it should not be time-consuming for City Council as they regularly review and approve contracts through the consent agenda. Finally, this will allow the Historic District Grant Program to be consistent with the city's contract policy.

It is expected that HPB grant recommendations will typically be approved as part of the City Council consent agenda. Total annual expenditures within the RDA's may exceed the budgeted amount of \$45,000 only after approval by City Council. These amounts within the RDA would be approved as and adjusted as part of the year-end budget process.

4. Completion of Work, Grant Payout, and Lien Agreement

Our recordkeeping suggests that work often commences on awarded properties several months after the grant is awarded. Currently, there is no expiration date set to the grant funds, and staff has encountered instances where grant monies were awarded several years ago, yet the work has not yet begun. Staff had recommended that the Building Permit be pulled within 45 days of the grant hearing; however, the HPB found that 90 days was more appropriate. The work must be completed within two (2) years of pulling the Building Permit.

Upon completion of the work and final inspections, the grant applicant submits proof of payment to the Planning Department for disbursement of funds. Following the grant payout, the City requires that the applicant enter into a lien agreement. This agreement states that the applicant shall not apply for a demolition permit for the building for which the grant is awarded for ten (10) years following the grant award, unless the building is structurally unsound or substantial changes have occurred. The grantee also warrants that the building remains in the grantee's ownership for at least five (5) years; the City shall release the note and deed of trust five years from the date of payment, or recapture the amount of the grant, plus interest, if the building is sold:

- Within the first year, 100% of the grant
- Within the second year, 80% of the grant
- Within the third year, 60% of the grant
- Within the fourth year, 40% of the grant
- Within the fifth year, 20% of the grant

In exchange for the City's contribution, the Grantee agrees to provide the following minimum services to the community:

- Maintain the architectural significance of the structure;
- Retain and/or restore the historic character of the structure;
- Preserve the structural integrity of the structure; and
- Perform normal maintenance and repairs.

Department Review:

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

Alternatives:

- A. Approve:** City Council may adopt the Historic District Grant Program policy as amended; or
- B. Deny:** City Council may deny the Historic District Grant Program Policy; or
- C. Continue the Item:** City Council may continue the discussion on the Historic District Grant Program policy, or
- E. Do Nothing:** City Council may choose to do nothing.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Balance between tourism and local quality of life + Multi-seasonal destination for recreational opportunities	+ Reduced municipal, business and community carbon footprints + Enhanced conservation efforts for new and rehabilitated buildings	+ Preserved and celebrated history; protected National Historic District + Shared use of Main Street by locals and visitors ~ Entire population utilizes community amenities + Community gathering spaces and places	+ Fiscally and legally sound + Well-maintained assets and infrastructure + Streamlined and flexible operating processes
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Positive 	Very Positive 	Very Positive 	Positive 
Comments:				

Consequences of not taking the recommended action:

By not adopting the recommended changes to the Historic District Grant policy and application process, the City will not be able to continue to fund legally the grant program due to the changes in the government accounting rules (GASB). No preference will be given to primary homeowners over secondary homeowners.

Recommendation:

Staff recommends City Council review the requested changes to the Historic District grant program and adopt an application process and policy for the administration of the program. Council should also review the Historic District Grant Program Eligibility criteria.

Exhibits:

Exhibit A — 10.09.14 City Council Minutes
Exhibit B — 11.5.14 HPB Staff Report + Minutes
Exhibit C — Proposed Policy

Historic Preservation Board Staff Report



Subject: Historic District Grant Program
Author: Anya Grahn, Historic Preservation Planner
 Thomas Eddington, Planning Director
Department: Planning, GI-12-00190
Date: November 5, 2014
Type of Item: Policy Review

Summary Recommendations:

Staff recommends the Historic Preservation Board (HPB) review recommended changes to the Historic District Grant program and provide direction regarding the application process and policy for the administration of the program. Staff also recommends that the HPB review the proposed policy and forward a positive recommendation to City Council.

Topic/Description:

Since 1987, the Historic District Grant Program has operated continuously with the support of City Council and the Historic Preservation Board. This program began with over \$500,000 in Redevelopment Funds for rehabilitation and historic preservation incentives. Matching grants are awarded to property owners to assist in maintaining and preserving their historic commercial and residential structures. Currently, the City's funds may be utilized to fund exterior improvements only. All work must comply with the Design Guidelines for Historic Districts and Historic Sites.

The Historic Preservation Grant program was originally housed in the Capital Improvement Project (CIP) and funded with the Main Street and Lower Park Avenue (LPA) RDA funds as directed by Council and included in the RDA resolutions. The majority of historic preservation grants are awarded within the RDA boundaries. Occasionally some historic preservation grant applications were received from property owners outside the RDAs. To provide for this, Council allocated some general fund (GF) transfer funding in the CIP for these applications.

With recent changes to government accounting rules (GASB), the City can no longer fund capital improvement projects with CIP funds for projects or assets the City does not own. Historic Preservation Grants fall into this category. In order to continue the Historic Preservation Grant program, as part of the FY2014 budget process (adopted in June 2013), the Finance and Budget Managers moved funding for the program into the operating budget. At that time, the amount remaining in the CIP from the GF transfer was \$47,000. This was the total amount available to be drawn down or carried forward into future years (the total amount available from the GF was \$47,000). When the budget was moved to operating, that amount was entered into the operating budget as an annual amount. Meaning rather than a total of \$47,000, the program now has an annual amount of \$47,000 per year for properties in the general fund area (City limits) but not eligible for funding in an RDA.

The Grant Program budget also now includes two (2) non-departmental operating budgets for both the Main Street and Lower Park Avenue (LoPA) RDA. The direction which has been provided by City Council was that Historic Preservation Grants are a high priority for the City and the RDA. As part of the FY2015 budget, Council approved funding within the LoPA RDA at \$50,000 per year and the Main Street RDA at \$30,000 per year. It was recommended that total

annual expenditures within the RDA's could exceed the budgeted amount only after approval by City Council. Any adjusted budgeted amount within the RDA would be approved as part of the year-end budget adjustment process. If the total amount of the awards (within the 3 GL codes) goes over the Council-approved allocated budget then it needs to go back to Council for approval. Normally, we adjust the budget at the end of the fiscal year where we provide a public hearing. The total annual budgeted amount available to the Historic District Grant Program is as follows:

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Total	\$127,000

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City Council held a work session on October 9, 2014, to discuss changes to the Historic District Grant program (see minutes, Exhibit A). During the October work session, City Council brought up several points related to staff's suggestions:

- City Council wanted the grant program to be a "first come, first serve" program. They found that reviewing grants on a quarterly basis would make the grant program too competitive and would not benefit historic preservation efforts.
- Staff had recommended that the HPB be limited to awarding up to \$15,000 as this was consistent with contract awards; however, City Council found that the HPB should be able to award up to \$25,000.
- Staff had recommended the grant program provide greater funding to primary residents compared to secondary residents to incentivize homeownership in Old Town. City Council was divided as to the percentage amounts and whether or not this was necessary. They found that the purpose of the grant was not to incentivize primary residents in Old Town, but preserve the historic structures.
- City Council directed staff to review the Grant Program with the HPB prior to City Council adopting a policy.

Currently, the grant program is "on hold" until City Council adopts a policy to administer the program.

Analysis:

Historic District Grant Application Process

1. Grant Application

Applicants typically complete the grant application (Exhibit A) following a Historic District Design Review (HDDR) approval. Grant funds are awarded based on the extent of the proposed work and historical significance of the property.

The applicant must include the following in their grant request:

- Project description
- Cost estimate, including breakdown of estimated costs for proposed eligible improvements
- Schematic, conceptual drawings (or an approved set of HDDR drawings)
- Photos of the existing conditions
- Brief history of the structure (generally provided by the HSI Form)

Staff has added language to the grant application requiring the applicant to submit three (3) construction bids for the proposed work. Staff finds that by doing so, the HPB can evaluate the cost of the proposed work based on three (3) bids. This will prevent the City from providing grant funds to the highest bidder, but provide grant funds due to a reasonable cost estimate of the proposed work.

Discussion:

- ***Currently, applicants submit cost estimates from contractors for the proposed work. Staff recommends adding language to the grant application requiring three (3) bids to be submitted so that the HPB can grant funds based on the lowest or most reasonable bid. Does the HPB agree?***

Historic District Grant Program Eligibility

Currently, the Grant Program funds the following improvements, as seen on the Grant Application (Exhibit A):

- Siding
- Masonry repair
- Cornice repair
- Historic retaining walls
- Windows
- Exterior trim
- Porch repair
- Foundation work
- Exterior doors
- Structural stabilization

These improvements are vital to the health and integrity of our historic structures; however, many structures face additional challenges such as meeting energy conservation standards and abating hazardous materials.

For this reason, Staff recommends adding the following criteria to our list of eligible improvements:

- Cladding repair
- Architectural ornamentation
- Weatherization of historic windows and doors
- Abatement of hazardous materials
- Stabilization/Preservation of industrial mine structures

The Historic Preservation Board (HPB) has expressed interest in architectural fees for completion of Physical Conditions Reports and Historic Preservation Plans that are required as part of the Historic District Design Review (HDDR) application. The Board found that the additional expense of the Physical Conditions Report and Preservation Plan increase the already costly price of rehabilitating the historic structure.

Currently, the grant program requires that work not be completed prior to the grant hearing. Historic Preservation Plans and Physical Conditions Reports are completed prior to the applicant submitting their HDDR. By awarding grant funds for this work, it may require that the applicant submit two (2) separate grant applications—one for the Preservation Plan and Physical Conditions Report and a second for grant eligible construction work.

In terms of the mine structures currently protected by the Historic Sites Inventory (HSI), the grant fund would only help fund work on those mine structures located on privately owned property. There are a few aerial tramway towers located on private residential property. Work completed by the Park City Museum would be funded through a special services

contract. A special services contract was utilized for the removal of vegetation around the aerial tramway towers earlier this summer.

Discussion:

- ***Does the HPB want to amend the grant application to help finance Preservation Plans and Physical Conditions Reports?***
- ***Does the HPB want to include any additional work to the eligible improvement list?***

Our Grant Application also lists the following improvements as ineligible:

- Interior remodeling
- Repair of non-original features
- Interior paint
- Signs
- Additions
- Landscaping/concrete flatwork

Staff advises that the list of ineligible improvements also contain:

- Relocating/moving historic structures horizontally on the lot
- HVAC/Mechanical Systems Upgrades
- Any restoration work covered or funded by insurance

Discussion: Does City Council find that other items should be considered in these lists of ineligible improvements?

Currently, painting is not eligible for grant funds unless it is essential to protecting the existing wood siding and ensuring a longer lifespan for the structure; is part of a comprehensive siding replacement proposal; or will significantly enhance the character of the structure. Though painting is considered the responsibility of the homeowner, there have been instances where the homeowner has expressed a hardship and grant funds were awarded for paint. 1149 Park Avenue, for instance, received funds in 2013 to remove asbestos siding, install new wood siding, and paint the new wood siding as part of their comprehensive siding replacement project.

Similarly, roofing material is also regarded as the responsibility of the homeowner. As noted in the grant application, maintenance items such as roofing may be considered under specific circumstances. In the past, roofing expenses have been covered by the grant program if the current roofing material is inappropriate; the historic material is exposed and/or in obvious disrepair; the historic material is significantly visible from the public right-of-way; and the roofing is a significant design element for the historic structure. Failing roof structures, however, are typically classified as structural stabilization.

Discussion: Does the HPB agree that painting and roofing should be the responsibility of the homeowner, unless a hardship or special condition is expressed?

Applicant Eligibility

Currently, any historic property owner is eligible for the grant program. During the April 10, 2014, Joint HPB-City Council work session, the HPB and City Council discussed the

possibility of limiting the availability of grant funds based on primary and secondary ownership for residential properties. Over the last year, over half of the grants awarded were for second homeowners.

Staff recommends that:

- Houses lived in by primary residents (those houses in which the homeowner or a renter lives in full time) be awarded up to fifty percent (50%) of their construction costs, while homes which are used as secondary-home or nightly rental (i.e. not lived in by primary residents) be awarded up to thirty-five percent (35%).
- This will allow the City to reward primary residents in the City's Historic District while also supporting their ability to maintain and preserve their historic properties.
- Commercial properties would continue to be eligible for up to fifty percent (50%) of construction costs regardless of ownership.
- During the October 9, 2014, work session, some members of City Council recommended that the percentage be raised greater than 50% for primary residents.

Discussion:

- ***Does the HPB find that primary homes (those houses in which the homeowner or renter lives there full-time) should be awarded a greater percentage than second homes or nightly rental (not lived in by a primary resident) should?***
- ***What percentages would the HPB recommend to City Council?***
- ***Should commercial buildings be treated the same as second homeowners or nightly rental (not lived in by a primary resident), or should they be eligible for a larger percentage?***

2. Historic Preservation Board Review & Hearing

Once completed, the grant application is then reviewed by the HPB. The HPB may choose to award the amount recommended by staff, or a greater or lesser amount. Staff recommended City Council adopt a policy permitting the HPB to award individual grants up to \$15,000; however, no single award is to exceed \$15,000 without the approval of City Council. It is expected that HPB grant recommendations will typically be approved as part of the City Council consent agenda. The sum of the individual grant amounts would be within the allocated budget for the Lower Park Avenue RDA, Main Street RDA, and City-wide (General Fund); however, the amounts within the RDA would be approved as, and adjusted, as part of the year-end budget process.

City Council recommended that the policy permit the HPB to award individual grants up to \$25,000. It is expected that the HPB grant recommendations will typically be approved as part of the City Council consent agenda. The sum of the individual grant amounts would be within the allocated budget for the Lower Park Avenue RDA, Main Street RDA, and City-wide (General Fund); however, the amounts within the RDA would be approved as, and adjusted, as part of the year-end budget process.

Grant applications are currently reviewed on a "first come, first serve" basis. At the October 9, 2014, City Council meeting, staff recommended that the HPB review grants on a quarterly basis; however, City Council found that this made the grant program too competitive.

Based on City Council's discussion on October 9th, staff recommends that the HPB be permitted to award grants up to the amount of \$25,000 before having to forward a positive recommendation to City Council.

Discussion:

- ***Does the HPB have any questions regarding this new process due to government accounting laws?***
- ***Does the HPB want to set a cap for the maximum grant award amount? If so, what amount would the HPB like to see? (Refer to chart below.)***

3. Completion of Work, Grant Payout, and Lien Agreement

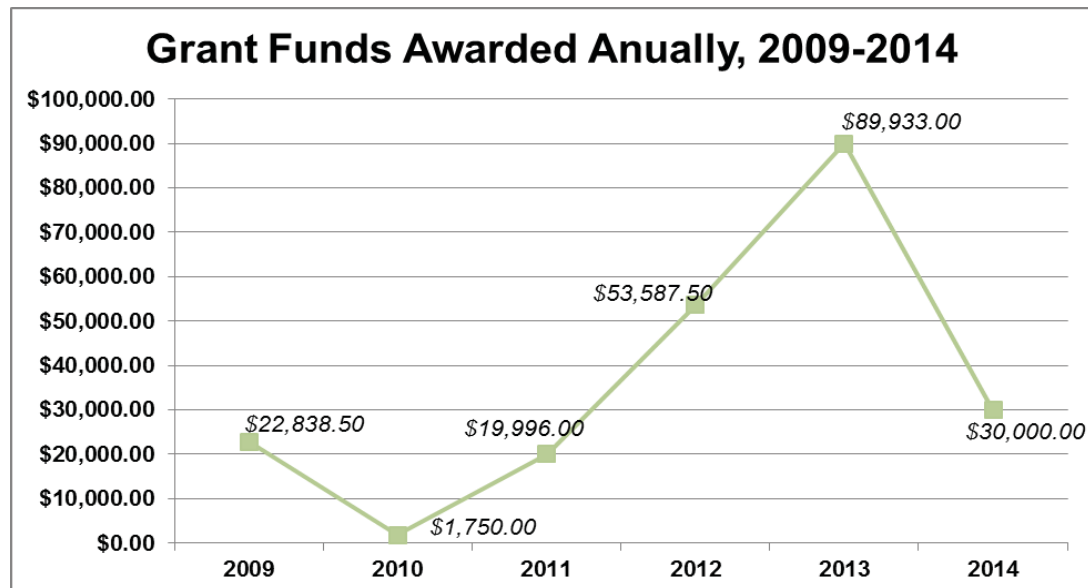
Our recordkeeping suggests that work often commences on awarded properties several months after the grant is awarded. Currently, there is no expiration date set to the grant funds, and staff has encountered instances where grant monies were awarded several years ago, yet the work has not yet begun. Staff recommends that:

- The applicant must obtain a building permit no more than forty-five (45) days from the date the grant is awarded by the HPB and that work must be complete within twenty-four (24) months after the start date, in order to quicken our process, ensure timely pay-outs of awarded grants, and prevent grants from expiring.
- Any work that deviates from the established scope of work shall be disallowed and the grant revoked.

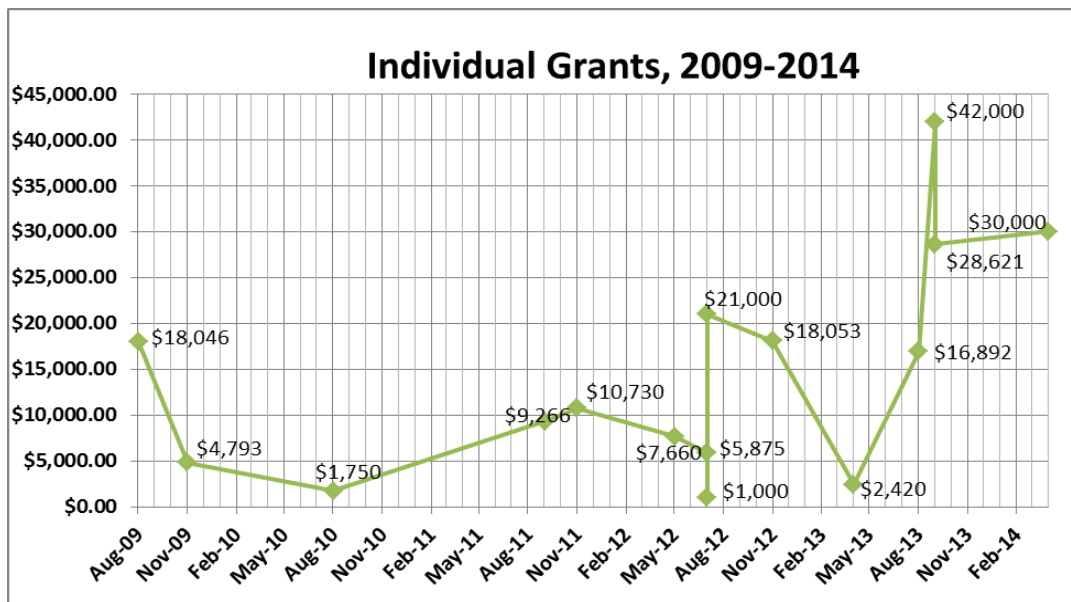
Trends

As discussed during the HPB-City Council joint work session in April, there has been a growing demand for grants in Old Town. Over the past year, many of these grants have exceeded \$20,000, which has put a strain on the availability of grant funding. In April, the HPB awarded a grant that will be funded by monies allocated during the FY2015 budget.

The following charts show the increased demand for grants as real estate demands increase in the historic district following the recession:



Since 2009, the amount of funds awarded annually through the Historic District Grant Program has steadily increased. The chart below depicts the number of individual grants and the amounts awarded since 2009.



Lien Agreement

Upon completion of the work and final inspections, the grant applicant submits proof of payment to the Planning Department for disbursement of funds. Following the grant payout, the City requires that the applicant enter into a lien agreement. This agreement states that the applicant shall not apply for a demolition permit for the building for which the grant is awarded for ten (10) years following the grant award, unless the building is structurally unsound or substantial changes have occurred. The grantee also warrants that the building remains in the grantee's ownership for at least five (5) years; the City shall release the note and deed of trust five years from the date of payment, or recapture the amount of the grant, plus interest, if the building is sold:

- Within the first year, 100% of the grant
- Within the second year, 80% of the grant
- Within the third year, 60% of the grant
- Within the fourth year, 40% of the grant
- Within the fifth year, 20% of the grant

In exchange for the City's contribution, the Grantee agrees to provide the following minimum services to the community:

- Maintain the architectural significance of the structure;
- Retain and/or restore the historic character of the structure;
- Preserve the structural integrity of the structure; and
- Perform normal maintenance and repairs.

Next Steps

Staff plans to meet with City Council on Thursday, December 4th for a follow-up work session and policy discussion. Staff recommends that HPB attend.

Department Review:

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

Consequences of not taking the recommended action:

By not adopting the recommended changes to the Historic District Grant policy and application process, the City will not be able to continue to legally fund the grant program due to the changes in the government accounting rules (GASB). In addition, preference will not be given to primary homeowners over secondary homeowners.

Recommendation:

Staff recommends the Historic Preservation Board review the proposed changes to the Historic District Grant program and make recommendations to City Council regarding the proposed process and policy for administration of the program.

Exhibits:

Exhibit A – Draft Minutes from 10.9.14 City Council work session

Exhibit B – Current Grant Application

Exhibit C – Proposed Grant Application

Exhibit D – Land Management Code (LMC) Title 15-11-19 (A)

Exhibit E – Proposed Historic District Grant Policy

PARK CITY COUNCIL MEETING MINUTES- DRAFT**SUMMIT COUNTY, UTAH,****October 9, 2014**

Page | 3

as asking Chris Merritt, SHPO Compliance, Archaeology from Utah State History to come speak to the Council as well as look into fencing options to allow people to look in but not endanger themselves. Council member Simpson stated that she agrees with Council member Peek. She would like to have a robust conversation with the property owners on a case by case basis to map out a path to preservation.

Council member Beerman inquired if staff is going to follow up on the annexation agreement issues that have not been addressed. Also inquired if there is any progress to stabilizing the Comstock mine, Grahn stated that it was found that it is not in within the City's boundaries so staff discussed the item with the County and they stated they will look into it but staff did not feel it was a high priority. Harrington discussed the annexation agreement stating that staff was unaware of the discrepancies until this point but staff is working with the United Mines Company to get this completed. Council member Matsumoto discussed the interlocal agreement that is on the agenda this evening and inquired if this could be rolled into the environmental preservation clause. Harrington stated that the interlocal agreement would be able to cover this issue.

Council member Henney inquired about the expense costs for stabilizing the structures. Grahn stated that it will be on a case by case basis. Council members Peek and Matsumoto agreed with Council member Henney that we need to move to the next steps. Mayor Thomas thanked staff for the hard work. Spoke to stabilizing the structures and feels that staff and the community could put together a committee to evaluate the stabilization without bringing in consultants, etc. Council agreed to continue to look deeper at this issue.

Historic Grant Program discussion

Planner Grahn spoke to the Grant Program from inception to today. Spoke to the current budget of \$127,000. She outlined staff's proposal stating the Historic Preservation Board could award up to \$15,000 in grants with any grants over \$15,000 being forwarded with a positive recommendation to Council for approval. Spoke to the application process and the eligible and ineligible improvements. Council member Peek discussed the cost of foundation and house mover's be added to the eligible list. Council member Matsumoto stated that she feels that the cap of the \$15,000 on the HPB is making things too restrictive. Council member Beerman agreed with Matsumoto and would like to raise the cap. Nate Rockwood, Capital Budget, Debts and Grants Manager stated the set amount of \$15,000 follows the procurement policy in the budget documents but can be increased at Council's discretion. Council member Matsumoto inquired about the funds that Grahn outlined. Rockwood stated that the cap is the total cost the HPB can award, there is more funding available that the HPB could request from Council. Harrington spoke to other options available to use the CIP transfers.

Council member Peek spoke to the horizontal movement to correct survey encroachments. Council member Simpson inquired about the quarterly review. Grahn stated staff felt it would provide the HPB a way to weigh the projects. Hope Melville, HPB member, spoke to the quarterly review process stating she felt it would turn people away.

Grahn spoke to the applicant eligibility to reward full-time residents. Council member Peek stated that this is a grant program to preserve the structure and feels it incorrect to penalize a second home owner who brings in taxes to the City. Council member Beerman feels that it is an opportunity to accomplish two Council goals of preservation and full-time residents. He feels the incentives would be great. Council member Matsumoto stated she agrees with Beerman. Council member Simpson stated that she is sympathetic to Beerman and Matsumoto but would like to see the properties preserved. Council member Henney stated that he does not see this

PARK CITY COUNCIL MEETING MINUTES- DRAFT

SUMMIT COUNTY, UTAH,

October 9, 2014

Page | 4

as a motivator to get people to live in Old Town. Council member Simpson suggested HPB weigh in on this and bring back to Council. John Kentworthy spoke about two applications that have gone in front of the HPB. Melville spoke to the historic process and feels the grants help keep the work professional. Council directed staff to take the recommendations to the HPB to review and send a recommendation back to Council.

Transportation Master Plan discussion

Kent Cashel, Transportation Manager and Brooks Robinson, Transportation, discussed the Transportation Master Plan. Cashel spoke to the report card that staff has conducted. Spoke to the goals set to achieve the desired results. Discussed the emphasis including increased mobility but reduce car travel as well as reducing environmental impacts. Robinson spoke to the goals with a multimodal system to complete streets, transit simplicity, regional transit, mobility and accessibility trails, maintaining the paved roads, safety and quality of life, sustainability, planning to support development growth and using management systems and the demands on the systems. Cashel spoke to the Transportation Model to include: existing traffic, land use, growth, mode share and the transportation system. Discussed the results of the report card to include the high single occupant vehicles, transit time ratio to bike and drive time is too low and estimated petroleum use and greenhouse gas emissions.

Mayor Thomas spoke to the daunting task of transportation planning. He is very excited to get into this model even though it is daunting. Council member Beerman feels that we need to look at the goals again and come at this with an aggressive approach. Council member Simpson stated that she is in favor of the goals and feels that to accomplish the goals quickly it will be a very painful, fast paced approach. Mayor Thomas stated that if there is critical mass goals can be accomplished fast. He spoke to the conveniences that will be taken away with these goals to include paid parking, and the comfort of your own vehicles. Cashel stated that we need to be careful to not move too quickly. Mayor Thomas stated that walking the walk is a good thing; mixed use is a good thing, as well as density can all help with these goals. Council member Beerman inquired if staff could back to Council with an evaluation of accelerating the items. Council member Peek stated that he is in favor of accelerating the goals without sacrificing the tourists experience. Mayor Thomas spoke to the growth of negative impacts. Cashel spoke to the way the goals were set. Stated that the goals were lined up with the growth of the community. Council member Simpson inquired about the time frame staff would be able to bring this item back, suggesting February for a study session/work session to give direction. Staff agreed.

Regular Meeting

6:00 pm

I. ROLL CALL- ROLL CALL- Mayor Jack Thomas called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, August 7, 2014. Members in attendance were Jack Thomas, Andy Beerman, Dick Peek, Liza Simpson, Tim Henney and Cindy Matsumoto. Staff members present were Matt Dias, Acting City Manager; Mark Harrington, City Attorney; Marci Heil, City Recorder; Thomas Eddington, Planning Director; Francisco Astorga, Planner; Heinrich Deters, Trails and Open Space; Nate Rockwood, Capital Budget, Debt and Grants Manager;

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

There were no communications or disclosures from Council or Staff.



Park City Municipal Corporation

445 Marsac Avenue • PO Box 1480 • Park City UT 84060 • (435) 615-5060 • (435) 615-4906-fax • www.parkcity.org

HISTORIC DISTRICT GRANT PACKET

INFORMATION GUIDE AND APPLICATION

HISTORIC DISTRICT GRANT PROGRAM INFORMATION GUIDE

In 1987 the Park City Historic District Commission and City Council identified the preservation of Park City's historic resources as one of their highest priorities. The Grant Program has operated continuously since that time with the full support of subsequent City Councils and Preservation Boards.

How does the Grant Program work?

Grants are available for historic residential or commercial structures in Park City. The purpose of the grant is to assist in offsetting the costs of rehab work. Grants are to be used toward specific rehabilitation projects.

When does the review process take place? The Historic Preservation Board will review applications and will award grant funds on a monthly basis. Funds shall be awarded to projects that provide a community benefit of preserving and enhancing the historic architecture of Park City. Applications must be submitted to the Planning Department by the 10th of each month in order to be considered for review at the following month's meetings.

What must be included in the application?

- ***Historic District Grant Application** form
- *Written **Scope of Work & Specifications**
- *Submittal of **cost estimate**
- ***Breakdown of estimated cost of the scope of work**
- ***Drawings** as they apply to specific work
- ***Color Photographs** of existing conditions
- ***Brief History** of structure

Application forms are available in the Planning Department and online and include more detailed information.

What types of improvements are eligible? Listed below are some examples of eligible and non-eligible improvements. Improvements should be completed in compliance with *The Secretary of the Interior's Standards for Rehabilitation*.

Eligible Improvements include, but are not limited to:

- | | |
|--|-----------------|
| *siding | *exterior trim |
| *windows | *exterior doors |
| *foundation work | *cornice repair |
| *masonry repair | *porch repair |
| *structural stabilization | |
| *retaining walls of historic significance/steps/stairs | |

Maintenance items, such as exterior painting and new roofing, are the responsibility of the homeowner, but may be considered under specific circumstances.

Non-Eligible Improvements include but are not limited to:

- | | |
|--------------------------------------|-----------------|
| *interior remodeling | *interior paint |
| *additions | *signs |
| *repair of non-original features | |
| *interior lighting/plumbing fixtures | |
| * landscaping/concrete flatwork | |

Are there special terms of the program?

Grant recipients are required to sign a Historic Grant Program Agreement, Trust Deed, and Trust Deed Note, on the affected property. If the property is sold within five years, grant funds are repaid at a pro-rated amount, plus interest.

Disclaimer: This guide is intended to provide general information. Codes are subject to change at any time and up-to-date versions of applicable codes and documents are available in the Building and Planning Divisions.

SUBMITTAL REQUIREMENTS:

1. Completed **Historic District Grant Application** form.
2. Written **Project Description** describing the proposed scope of work and specifications. Include a detailed scope of work, as well as the anticipated start date and completion date.
3. Submittal of a **Cost Estimate** for the proposed work.
4. **Breakdown of Estimated Costs** of the proposed eligible improvements (pages 3 & 4).
5. Schematic, conceptual **Drawings** as they apply to the proposed project. This will include site plans, elevations, and floor plans
NOTE: Your project will require design review and approval by the Park City Planning Department. At the time of application for the building permit, detailed construction plans prepared by a licensed architect, engineer and/or building contractor will be required.
6. Color **Photographs** of existing conditions. Include a general view of the building and setting; the front; perspective view showing front façade and one side, and rear façade and one side; detailed view of affected work area.
7. **Brief History** of the structure including, but not limited to, prior owners or occupants.

GRANT APPLICATION PROCESS

Listed below is a brief description of the grant application process:

- 1) Prepare grant application (the Planning Staff can advise you during this step so that you submit a thorough application)
- 2) Submit grant application to the Planning Department by the 10th of the month. The Staff will present it to the Historic Preservation Board for review and consideration the following month.
- 3) The HPB will review the application and may:
 - a) approve the project;
 - b) approve the project subject to conditions that will be enforced by the Planning Staff;
 - c) remand the application to the applicant for further details or revisions; or
 - d) deny the project .
- 4) Finalize work with the Planning Department Staff and submit plans for a building permit;
- 5) Sign the Grant Program Agreements;
- 6) Obtain a building permit and arrange for inspections by the building inspectors as the project progresses;
- 7) Upon completion of work and final inspections, submit **proof of payment** to the Planning Department for disbursement of funds. You must provide proof that your contractor(s) have been paid in full. *This is a matching funds grant and provides reimbursement to you.*

Planning Department Staff are available to answer your questions as you go through this process.

SAMPLE – BREAKDOWN OF ESTIMATED COSTS

This **sample** is included to assist you in completing the breakdown of estimated costs on page 6 of this application.

WORK CLASSIFICATION	OWNER PORTION	CITY PORTION	ESTIMATED TOTAL COST
<u>Eligible Improvements</u>			
Excavation	\$ 500	\$ 500	\$ 1,000
Doors (exterior)	425	425	850
Windows	1,000	1,000	2,000
Siding	<u>1,500</u>	<u>1,500</u>	<u>3,000</u>
Total Cost	\$ 3,425	\$ 3,425	\$ 6,850
<u>Non-Eligible Improvements</u>			
Total (no breakdown required)			<u>\$10,500</u>
TOTAL COST			\$17,350

If you have questions about the eligibility of your proposed work, please contact the Planning Department at 435-615-5060.

What types of improvements are eligible? Listed below are some examples of eligible and non-eligible improvements. Improvements should be completed in compliance with *The Secretary of the Interior's Standards for Rehabilitation*.

Eligible Improvements include, but are not limited to:

*masonry repair	*porch repair	*structural stabilization
*siding	*exterior trim	*windows
*exterior doors	*foundation work	*cornice repair
*retaining walls of historic significance/steps/stairs		

Maintenance items, such as exterior painting and new roofing, are the responsibility of the homeowner, but may be considered under specific circumstances.

Non-Eligible Improvements include but are not limited to:

*interior remodeling	*interior paint	*additions
*signs	*repair of non-original features	
*interior lighting/plumbing fixtures	* landscaping/concrete flatwork	

The award of grant funds does not preclude the requirement for design review. If you are proposing extensive rehabilitation, you may be required to present your application to the Planning Department for review and approval.



Park City Municipal Corporation

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HISTORIC DISTRICT GRANT APPLICATION

RESTORATION AND REHABILITATION WORK

HISTORIC PRESERVATION BOARD

Awarded _____

Denied _____

DATE SUBMITTED _____

BUILDING PERMIT _____

FUNDS RELEASED _____

Any owner of an historic residential or commercial structure in Park City may apply. The matching grant will be used toward specific rehabilitation projects. Application must be submitted to the Planning Department by the 10th of the month in order to be presented to the Historic Preservation Board for review the following month. Please fill out this application completely and accurately. If you are uncertain of the status of your property, please contact the Planning Department.

I. PROJECT INFORMATION

Name: _____

Address/Location: _____

Legal Description: Tax ID _____

Subdivision & Lot #, or Survey, Lot & Block # _____

II. APPLICANT

Name: _____

Mailing Address: _____

Phone #: _____ Fax #: _____ E-mail _____

If you have any questions regarding the requirements on this application please contact a member of the Park City Planning staff (435) 615-5060.

III. BREAKDOWN OF ESTIMATED COSTS

Applicant:

Address of Historic Property:

Scope of Work

Owner's Portion

City's Portion

Estimated Total Cost

This image shows a full page of blank, lined paper. It features approximately 20 horizontal blue or grey lines spaced evenly apart, typical of notebook paper. The lines extend across the entire width of the page, leaving small margins at the top and bottom. There are no vertical lines, text, or other markings on the page.

Total Estimated Cost

(attach copies of bids and attach additional sheets as necessary)

V. ACKNOWLEDGMENT OF RESPONSIBILITY

This is to certify that I am making an application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name and I am a party whom the City should contact regarding any matter pertaining to this application.

I have read and understood the instructions supplied by Park City for processing this application. The documents and/or information I have submitted are true and correct to the best of my knowledge. I understand that my application is not deemed complete until a Project Planner has review the application and has notified me that it has been deemed complete.

I will keep myself informed of the deadlines for submission of material and the progress of this application. I understand that a staff report will be made available for my review the week prior to any public hearings or public meetings. This report will be on file and available at the Planning Department in the Marsac Building.

I further understand that additional fees may be charged for the City's review of the proposal. Any additional analysis required would be processed through the City's consultants with an estimate of time/expense provided prior to an authorization with the study.

Signature of Applicant: _____
Name of Applicant (please print) _____
Mailing Address _____
Phone _____ Fax _____
E-mail _____
Type of Application _____

AFFIRMATION OF SUFFICIENT INTEREST

I hereby affirm that I am the fee title owner of the below described property or that I have written authorization from the owner to pursue the described action.

Name of Applicant (please print) _____
Mailing Address _____
Street Address/Legal Description of Subject Property: _____

Signature _____ Date _____

1. If you are not the fee owner, attach another copy of this form that has been completed by the fee owner, or a copy of your authorization to pursue this action.
2. If a corporation is fee titleholder, attach copy of the resolution of the Board of Directors authorizing this action.
3. If a joint venture or partnership is the fee owner, attach a copy of agreement authorizing this action on behalf of the joint venture or partnership.

Please Note: This affirmation is not submitted in lieu of sufficient title evidence. You will be required to submit a title opinion, certificate of title, or title insurance policy showing your interest in the property prior to final action.

HISTORIC DISTRICT GRANT PACKET

INFORMATION GUIDE AND APPLICATION

HISTORIC DISTRICT GRANT INFORMATION GUIDE

In 1987, the Park City Historic District Commission and City Council identified the preservation of Park City's historic resources as one of their highest priorities. The Grant Program has operated continuously since that time with the full support of subsequent City Councils and Preservation Boards.

How does the Grant Program work?

Grants are available for historic residential or commercial structures listed on the Park City Historic Site Inventory (HSI). The purpose of the grant is to assist in offsetting the costs of rehabilitation work. Grants are to be used toward specific rehabilitation projects.

Primary residents (either the homeowner or a full time renter) may be awarded up to fifty percent (50%) of total eligible construction costs, while homes which are used as a secondary-home or nightly rental may be awarded up to thirty-five percent (35%) of total eligible construction costs. Commercial property owners are eligible for up to fifty percent (50%) total eligible construction costs.

When can you apply for a grant?

Grant applications must be submitted before the rehabilitation work has begun and prior to the issuance of a building permit. Applications can be submitted at any time; however, applications are reviewed quarterly by the Historic Preservation Board (HPB): January, April, July, and October. Applications should be submitted at least one (1) month prior to the HPB meeting.

When does the review process take place?

The Historic Preservation Board will review applications and will award grant funds on a quarterly basis. Funds will be allocated on a case-by-case basis and awarded to projects that provide a community benefit of preserving and enhancing the historic architecture of Park City. The Historic Preservation Board may award grants up to \$15,000. Grants exceeding \$15,000 will require the Historic Preservation Board to forward a positive recommendation to City Council. City Council will then review the grant application as part of their consent agenda.

What must be included in the application?

- Completed Historic District Grant Application.
- Written Scope of Work & Specifications
- Submittal of cost estimate including three (3) bids
- Breakdown of estimated cost of the scope of work
- Drawings as they apply to specific work
- Color photographs of existing conditions
- Brief history of the structure

Are there special terms to the Grant program?

Grant recipients are required to sign a Historic Grant Program Agreement, Trust Deed, and Trust Deed Note that is tied to the affected property. If the property is sold within five years, grant funds are repaid at a pro-rated amount, plus interest.

What items are eligible for grant funds?

See the eligibility chart listed on the following page that outlines examples of eligible and non-eligible improvements. All improvements should be completed in compliance with *The Secretary of the Interior's Standards for Rehabilitation*.

SUBMITTAL REQUIREMENTS

1. Completed **Historic District Grant Application** form.
2. Written **Project Description** describing the proposed scope of work and specifications. Include a detailed scope of work, as well as the anticipated start date and completion date.
3. Submittal of a **Cost Estimate** for the proposed work, including three (3) bids.
4. **Breakdown of Estimated Costs** of the proposed eligible improvements (pages 7).
5. Schematic, conceptual **Drawings** as they apply to the proposed project. This will include site plans, elevations, and floor plans

NOTE: Your project will require design review and approval by the Park City Planning Department. At the time of application for the building permit, detailed construction plans prepared by a licensed architect, engineer and/or building contractor will be required.

6. **Color Photographs** of existing conditions. Include a general view of the building and setting; the front; perspective view showing front façade and one side, and rear façade and one side; detailed view of affected work area.
7. **Brief History** of the structure including, but not limited to, prior owners or occupants.

APPLICATION PROCESS

Listed below is a brief description of the grant application process:

1. Prepare grant application (the Planning Staff can advise you during this step so that you submit a thorough application).
2. Submit grant application to the Planning Department. Grants will be reviewed by the Historic Preservation Board (HPB) on a quarterly basis: January, April, July, and October.
3. The HPB will review the application and may:
 - a) approve the project;
 - b) approve the project subject to conditions that will be enforced by the Planning Staff;
 - c) remand the application to the applicant for further details or revisions; or
 - d) deny the project
4. The HPB may award the project up to \$15,000. Should the grant award be greater than \$15,000, the HPB will need to forward a positive recommendation to City Council. City Council will then review the grant application on their consent agenda approximately three (3) weeks after the HPB hearing.
5. Finalize work with the Planning Department Staff and submit plans for a building permit;
6. Obtain a building permit and arrange for inspections by the building inspectors as the project progresses;
7. Upon completion of work and final inspections, submit **proof of payment** to the Planning Department for disbursement of funds. You must provide proof that your contractor(s) have been paid in full. *This is a matching funds grant and provides reimbursement to you.*
8. Sign the Historic Grant Program Agreement, Trust Deed, and Trust Deed Note that is tied to the affected property. If the property is sold within five years, grant funds are repaid at a pro-rated amount, plus interest.

SAMPLE—BREAKDOWN OF ESTIMATED COSTS

This **sample** is included to assist you in completing the breakdown of estimated costs on page 6 of this application. *Please note you will need to provide three (3) separate bids for the proposed work.*

SCOPE OF WORK	OWNER PORTION	CITY PORTION	ESTIMATED TOTAL COST
Eligible Improvements			
Foundation Work			
Excavation	\$1,000	\$1,000	\$2,000
House Lifting	\$2,000	\$2,000	\$4,000
Bracing the House	\$3,000	\$3,000	\$6,000
Doors (Exterior)			
Materials	\$425	\$425	\$850
Labor	\$100	\$100	\$200
Windows			
Materials	\$1,000	\$1,000	\$2,000
Labor	\$500	\$500	\$1,000
Siding			
Asbestos Removal	\$2,250	\$2,250	\$5,000
Wood Siding Restoration	\$1,000	\$1,000	\$1,000
New Materials	\$500	\$500	\$1,000
Paint	\$500	\$500	\$1,000
Total Cost	\$12,275	\$12,275	\$24,550
Non-Eligible Improvements			
Total (no breakdown required)			\$10,500
TOTAL COST			\$35,050

If you have questions about the eligibility of your proposed work, please contact the Planning Department at 435-615-5060.

ELIGIBILITY GUIDE

To qualify for a grant:

- The building/structure must be identified on the City's Historic Sites Inventory.
- Grant recipients must own the residential or commercial structure for at least five (5) years after the grant funded work is completed. Grant recipients who sell or move out of their homes before the five years have elapsed will be required to return the grant on a pro-rated basis.
- Work must commence no more than thirty (30) days from the execution of the grant and must be completed within twenty-four (24) months after the start date.

Eligible improvements include:

- Cladding repair
- Siding
- Masonry repair
- Cornice repair
- Architectural ornamentation restoration/repair
- Exterior trim repair
- Restoration of historic retaining walls
- Restoration/repair of historic windows and doors
- Weatherization of historic windows and doors
- Porch repair/restoration
- Foundation repair/restoration (new foundations may be raised or lowered no more than 2' from their original floor elevations)
- Structural stabilization
- Abatement of hazardous materials
- Stabilization/Preservation of Industrial Mine Structures

Non-eligible improvements include:

- Interior remodeling
- Repair of non-original features
- Interior paint
- Signs
- HVAC/Mechanical System upgrades
- Additions
- Landscaping/concrete flatwork
- Relocating and/or moving historic structures to a new site or location on the existing site
- Any restoration work covered/funded by insurance

Maintenance items are the responsibility of the homeowner but may be considered under specific circumstances such as:

Painting:

- Is essential to protect the existing wood siding and ensure a longer lifespan for the structure;
- Is part of a comprehensive siding replacement proposal;
- Will significantly enhance the character of the structure.

Roofing:

- Currently has an inappropriate material;
- Has historic material that is exposed and/or is in obvious disrepair;
- Is significantly visible from the public right-of-way;
- Is a significant design element for the historic structure.

PARK CITY MUNICIPAL CORPORATION
PLANNING DEPARTMENT
445 MARSAC AVE ° PO BOX 1480
PARK CITY, UT 84060
(435) 615-5060



HISTORIC DISTRICT GRANT APPLICATION

For Office Use Only

HISTORIC PRESERVATION BOARD

PROJECT PLANNER

APPLICATION #

APPROVED

DATE RECEIVED

AMOUNT

EXPIRATION

DENIED

BLDG PERMIT

PROJECT INFORMATION

NAME:

ADDRESS:

TAX ID:

OR

SUBDIVISION:

OR

SURVEY:

LOT #:

BLOCK #:

APPLICANT INFORMATION

NAME:

MAILING

ADDRESS:

PHONE #:

() -

FAX #:

() -

EMAIL:

APPLICANT REPRESENTATIVE INFORMATION

NAME:

PHONE #:

() -

EMAIL:

ACKNOWLEDGEMENT OF RESPONSIBILITY

This is to certify that I am making an application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name and I am a party whom the City should contact regarding any matter pertaining to this application.

I have read and understood the instructions supplied by Park City for processing this application. The documents and/or information I have submitted are true and correct to the best of my knowledge. I understand that my application is not deemed complete until a Project Planner has reviewed the application and has notified me that it has been deemed complete.

I will keep myself informed of the deadlines for submission of material and the progress of this application. I understand that a staff report will be made available for my review three days prior to any public hearings or public meetings. This report will be on file and available at the Planning Department in the Marsac Building.

I further understand that additional fees may be charged for the City's review of the proposal. Any additional analysis required would be processed through the City's consultants with an estimate of time/expense provided prior to an authorization with the study.

Signature of Applicant: _____
Name of Applicant: _____
Mailing Address: _____
Phone: _____ Fax: _____
Email: _____
Type of Application: _____

AFFIRMATION OF SUFFICIENT INTEREST

I hereby affirm that I am the fee title owner of the below described property or that I have written authorization from the owner to pursue the described action. I further affirm that I am aware of the City policy that no application will be accepted nor work performed for properties that are tax delinquent.

Name of Owner: _____
Mailing Address: _____
Street Address/ Legal Description of Subject Property: _____

Signature: _____ Date: _____

1. If you are not the fee owner attach a copy of your authorization to pursue this action provided by the fee owner.
2. If a corporation is fee titleholder, attach copy of the resolution of the Board of Directors authorizing the action.
3. If a joint venture or partnership is the fee owner, attach a copy of agreement authorizing this action on behalf of the joint venture or partnership
4. If a Home Owner's Association is the applicant than the representative/president must attaché a notarized letter stating they have notified the owners of the proposed application. A vote should be taken prior to the submittal and a statement of the outcome provided to the City along with the statement that the vote meets the requirements set forth in the CC&Rs.

Please note that this affirmation is not submitted in lieu of sufficient title evidence. You will be required to submit a title opinion, certificate of title, or title insurance policy showing your interest in the property prior to Final Action.

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 11 - Historic Preservation**15-11-4**

- (C) Utah State Division of History.
- (D) Park City Historical Society.
- (E) American Institute of Architects (AIA).
- (F) The National Alliance of Preservation Commissions.
- (G) American Planning Association (APA)

(Amended by Ord. Nos. 06-35; 09-23)

**15-11-9. PRESERVATION
POLICY.**

It is deemed to be in the interest of the citizens of Park City, as well as the State of Utah, to encourage the preservation of Buildings, Structures, and Sites of Historic Significance in Park City. These Buildings, Structures and Sites are among the City's most important cultural, educational, and economic assets. In order that they are not lost through neglect, Demolition, expansion or change within the City, the preservation of Historic Sites, Buildings, and Structures is required. This section is intended to provide an incentive for identification and preservation of Historic Buildings, Structures or Sites that may occur within the Park City Historic District, as well as those that may be located outside the Historic District.

- (A) **HISTORIC PRESERVATION PLAN.** The Planning Department is authorized to require that Developers prepare a Historic Preservation Plan as a

condition of approving an Application for a Building project that affects a Historic Structure, Site or Object. The Planning Director and the Chief Building Official, or their designees, must approve the Historic Preservation Plan.

- (B) **GUARANTEE REQUIRED.** The Planning Department is also authorized to require that the Applicant provide the City with a financial Guarantee to ensure compliance with the conditions and terms of the Historic Preservation Plan.

- (C) **TERMS OF GUARANTEE.** The Guarantee shall be similar in form to other Guarantees required by this title and shall consist of an Escrow deposit, a cash deposit with the City, a letter of credit or some combination of the above as approved by the City, including but not limited to a lien on the Property.

- (D) **AMOUNT OF THE GUARANTEE.** The amount of the Guarantee shall be determined by the Chief Building Official, or his designee. The Building and Planning Departments shall develop standardized criteria to be used when determining the amount of the Historic preservation Guarantee. Such amount may include additional cost or other penalties for the destruction of Historic material(s).

- (E) **EFFECT OF NON-COMPLIANCE.** If the Developer does not comply with the terms of the Historic Preservation Plan as determined by the Chief Building Official and the Planning Director, or their designees, the City shall have the right to keep the funds of the Guarantee,

including the ability to refuse to grant the Certificate of Occupancy and resulting in the requirement to enter into a new Historic Preservation Plan and Guarantee. The funds of the Guarantee shall be used, in the City's discretion, for Historic preservation projects within the City.

(F) RELEASE OF GUARANTEE.

The Guarantee shall not be released prior to the issuance of the final Certificate of Occupancy or at the discretion of the Chief Building Official and Planning Director, or their designees, based on construction progress in compliance with the Historic Preservation Plan.

(Amended by Ord. Nos. 09-09; 09-23)

15-11-10. PARK CITY HISTORIC SITES INVENTORY.

The Historic Preservation Board may designate Sites to the Historic Sites Inventory as a means of providing recognition to and encouraging the Preservation of Historic Sites in the community.

(A) CRITERIA FOR DESIGNATING SITES TO THE PARK CITY HISTORIC SITES INVENTORY.

(1) **LANDMARK SITE.** Any Buildings (main, attached, detached, or public), Accessory Buildings, and/or Structures may be designated to the Historic Sites Inventory as a Landmark Site if the Planning Department finds it meets all the criteria listed below:

(a) It is at least fifty (50) years old or has achieved Significance in the past fifty (50) years if the Site is of exceptional importance to the community; and

(b) It retains its Historic Integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service for the National Register of Historic Places; and

(c) It is significant in local, regional or national history, architecture, engineering or culture associated with at least one (1) of the following:

(i) An era that has made a significant contribution to the broad patterns of our history;

(ii) The lives of Persons significant in the history of the community, state, region, or nation; or

(iii) The distinctive characteristics of type, period, or method of construction or the work of a notable

Part I: Historic District Grant Program

The Historic District Grant Program awards matching grants to assist property owners in maintaining and preserving their historic commercial and residential structures. Grant funds are applied to exterior improvements only, and all work must comply with the Design Guidelines for Historic Districts and Historic Sites. The policy outlines the many ways property owners and the City can work together to preserve Park City's historic sites and structures.

A. Goals

1. Offset the costs of rehabilitation work in the City's two (2) National Register Historic Districts
2. Provide funding to projects that provide a community benefit through historic preservation
3. Inspire greater preservation of Park City's historic sites and structures

B. Objectives

1. Inspire citizen involvement and appreciation for the historic preservation of Park City's sites and structures.
2. Encourage the preservation of historic sites and structures in the City's two (2) National Register Historic Districts.
3. Promote projects that preserve and enhance the historic architecture of Park City.
4. Further projects that meet the Design Guidelines for Historic Districts and Historic Sites

C. General Rules

1. The applicant must apply for a Historic District Grant prior to the start of any construction work. The application must include a written scope of work and specifications, cost estimate, drawings as they apply to the specific work, color photographs, and a brief history of the structure.
2. The Historic Preservation Board (HPB) will review grant applications on a "first come, first serve". The HPB may award grants up to \$25,000. Those grants exceeding \$25,000 will require the HPB to forward a positive recommendation to City Council; these recommendations will be reviewed as part of the City Council consent agenda.
3. Any total grant awards greater than the budgeted amount allocated for the Lower Park Avenue and Main Street RDAs will be approved and adjusted as part of the year-end budget process.
4. Upon completion of the work and final inspections, the grant applicant will submit proof of payment to the Planning Department for disbursement of funds.
5. Following receipt of the grant funds, the grant recipient will sign a Historic Grant Program Agreement, Trust Deed, and Trust Deed Note on the affected property. If the property is sold within five (5) years, grant funds are repaid at a pro-rated amount plus interest.

D. Eligibility

1. Applicant Eligibility
 - a. Houses lived in by primary residents (those houses in which the homeowner or a renter lives full-time) may be awarded up to fifty percent (50%) of their construction costs, while homes which are used as secondary homes or nightly rental (i.e. not lived in by the primary resident) may be awarded up to thirty-five percent (35%). Commercial

property owners will be eligible to receive up to fifty percent (50%) of their construction costs.

2. Eligible Improvements

- a. Improvements shall be completed in compliance with the Secretary of the Interior's Standards for Rehabilitation and include exterior work such as siding, windows, foundation work, masonry repair, structural stabilization, exterior trim, exterior doors, cornice repair, porch repair, retaining walls, as well as historic steps and stairs. The Historic Preservation Board may identify additional eligible improvements (such as Physical Conditions Reports and Preservation Plans, etc.) as necessary; these improvements shall be noted on the Historic District Grant Application.



City Council Staff Report

Subject: Update: Blue Ribbon Commission Mayor/Council Compensation Recommendations
Author: Matthew Dias, Assistant City Manager
Phyllis Robinson, Communications & Public Affairs Manager
Date: December 4, 2014
Type of Item: Work Session

Summary Recommendations:

City Council should consider an update on the five (5) recommendations provided by the Blue Ribbon Commission (BRC) on Mayor/Council Compensation.

Background/Update:

In March 2014, the Mayor and Council accepted the following BRC recommendations:

1. Increase the Mayor's total compensation by utilizing a new, weighted compensation methodology.
✓ This recommendation was implemented in on July 1, 2015, as part of the FY2015 budget process.
 2. Increase Council's total compensation by utilizing a new, weighted compensation methodology.
✓ This recommendation was implemented in on July 1, 2015, as part of the FY2015 budget process.
 3. Explore setting limits on campaign expenditures, especially for Mayoral elections.
 4. Create an annual "Everything You Need to Know to Run for Public Office" training for individuals interested in seeking public office.
 5. Create a new committee of Park City residents with long community tenure and deep ties to our civic history and community affairs.
- ❖ In addition, Council directed staff to research the concept of term limits for the Mayor and Council.

Analysis:

Since taking action to implement the first two recommendations in July 2014 as part of the FY2015 budget process, staff has been working to assess and implement the remaining three (3) recommendations and (1) additional item. An update is outlined below.

3. Explore setting limits on campaign expenditures, especially for Mayoral elections.

Staff has determined that Cities are not permitted to limit campaign spending by individuals running for publicly elected office, as this violates the First Amendment's protection of speech.

After further review and analysis, cities are not permitted to limit campaign spending by individuals running for publicly elected office, as this is a violation of the First Amendment's protection of speech. The Supreme Court views campaign spending limitations as "limitations on core First Amendment rights of political expression" which are subject to "exacting scrutiny." These limitations on speech are only valid if the government has a substantial interest in restricting the speech and if the law that under review is tailored to fit that interest. Limitations on the amount of money that candidates for elected office can spend have not survived the Court's test. Therefore, it is almost certain that any attempt to limit campaign spending will be found to be unconstitutional. Furthermore, the City may also not entice candidates to voluntarily restrict campaign spending in exchange for public funding of their campaigns. The City can, however, encourage candidates to voluntarily pledge not to exceed a chosen spending limit.

- ***Given the First Amendment concerns, Staff recommends no further action on this recommendation.***

4. Create a "Campaign Academy" for individuals interested in seeking public office.

This recommendation by the BRC based on findings from the community survey conducted as part of its analysis. The major factors cited for not running for office was the amount of time required, lack of job flexibility that would allow for so much time off, and the inability to take a pay cut. Respondents in the 30 – 49 age cohort also cited that while money was not a motivating factor in choosing to run, most could not afford to forego their full time salaries. This group also cited a lack of financial resources and networks necessary to fund campaigns, being uncomfortable with asking people for support, and a general lack of knowledge on how to get started in the process.

Several years ago, Park City and the Park Record conducted a "How to Run for Public Office" session. While focused primarily on running for a local office, information included serving on local boards and commission as well as running for a state-wide office. Approximately 35 people attended the session. The Park Record is interested in collaborating with the City on a similar effort in late February/early March 2015.

This would be considered an introductory session. Staff recommends a subsequent meeting in mid-March that would bring together current and former elected officials to speak directly with candidates interested in running for office on issues such as raising campaign funds, time commitments, and networking. The filing deadline for 2015 municipal elections is July 1 – July 15.

Staff recommends initiating this process in late winter/early spring 2015. Staff will return to Council in fall 2015 with a recommendation as to whether this should be a regular offering and at what time interval (e.g., annual, biennial, every five years.)

5. *Create a new committee of Park City residents with long community tenure and deep ties to our civic history and community affairs.*

While not directly related to running for public office, the BRC also suggested that we find ways to engage long-tenured community members to bring a broader community context to decision making as our community continues to evolve. Several years ago, staff held a community gathering at the Egyptian Theater to discuss the first Main Street Master Plan presented by Gene Moser and Gene Carr. This was followed by a community panel with Jan Wilking, Harry Reed, Rich Martinez and Lloyd Evans. There was no purpose other than sharing the past to inform the future.

Newer members of the community appreciated hearing the difficulties of governing Park City in the 1970s and 1980s. From a community engagement perspective, staff believes this process of “story telling” helps to bind together our past and provide context for newer residents who see a well-funded community that delivers high levels of service to residents and businesses.

- ***If Council wishes to pursue “Back to the Future” programming, staff recommends creating a community working group to discuss approaches, facilitate an initial gathering, and evaluate interest in making this a more regular occurrence. While the City can facilitate the kick-off meeting, ongoing programming may fit better within a community-based organization.***

- ❖ *Is Park City Municipal permitted to set term limits for the mayor and Council?*

The City is permitted to set term limits for locally elected officials.

In addition to the five (5) recommendations above, Council also had a robust conversation with the BRC regarding the pros and cons of setting term limits for the Council and Mayor positions. As a result, staff was directed to conduct additional research and offer a potential recommendation to Council.

As mentioned, the City is in fact legally permitted to impose term limits on elected City officials, such as the Mayor and Council. However, additional research indicates that term limits might face fierce opposition at the State Legislature and not necessarily achieve the goals and outcomes proponents seek.

Looking back, the Utah State Legislature took action in 2003 to overturn an 8-year old term limits law. This was done under threat of a citizen referendum. At the time,

only 15 state legislatures across the country had term limits laws. Staff is unaware of any other local jurisdiction with term limits in Utah, and would be concerned that actions in Park City could spark a broader debate, for which the Legislature could hold Park City responsible. In addition, staff consulted with some of the City's legislative contacts who also deemed the measure not advantageous to improving Park City's standing at the Legislature.

By way of additional research, staff did uncover that term limits for elected city officials appear to be a more common feature of larger cities. For example, nine of the ten largest cities in the United States have imposed some form of term limits on either the mayor or council or both. Furthermore, 51 percent of U.S. cities with a population exceeding 250,000 impose term limits on their mayors.

Proponents and detractors have offered up a consistent list of purported benefits and drawbacks associated with the adoption of term limits for elected officials. A sample list of supposed benefits and drawbacks are as follows:

Benefits

1. Increases competitiveness in elections due to fewer incumbents.
2. More opportunities and diversity in those who serve.
3. Curbs influence of lobbyists with career officials.
5. Generates fresh ideas from new representatives.

Drawbacks

1. Erodes experience in government.
2. Creates easier targets special interests.
3. Prevents reelection of popular leaders.
4. Conflicts with democratic will of voters.

- ***Despite speculation, staff was unable to locate evidence that supports the notion that term limits generate a more representative or responsive electorate. Because of this, staff cannot recommend that term limits will accomplish the desired goals. No further action is recommended.***

Department Review: This report was reviewed by the Sustainability, Legal and Executive Departments.

Summary Recommendations:

City Council should consider an update on the five (5) recommendations provided by the Blue Ribbon Commission (BRC) on Mayor/Council Compensation.



City Council Staff Report

Subject: Courchevel Sister City Check-In
Author: Matthew Dias, Asst. City Manager
Department: Executive
Date: December 4, 2014
Type of Item: Informational

Summary Recommendations:

After reviewing the background and history of the Courchevel Sister City relationship, Staff recommends City Council specify its level of future support for the municipal relationship and high school exchange program. In addition, staff requests Council direction in order to respond to Courchevel's invitation for the Mayor to travel to Courchevel during winter 2015 in order to reaffirm the Municipal aspects of the relationship that have grown stagnant. A formal invitation is being tendered by the Mayor of Courchevel, yet the dates have not yet been finalized.

Topic/Description:

History of the Sister City relationship, the status of the high school student exchange program, and a request for direction on the invitation for the Mayor to visit Courchevel with the student exchange program during winter 2015.

Background:

After World War II, President Eisenhower encouraged the creation of the Sister City programs in the U.S. as a way to connect with people from around the world and promote understanding and peace, education, trade, economic development, governmental best practices, and arts and culture. Today, these activities remain strong across the country and in Utah, including a variety of international and domestic support organizations that help support and foster the mission of the Sister City program. Thousands of U.S. cities currently participate, and about 25 or more of those are from Utah alone. For additional information on Sister City programs, see:

- [SisterCities International](#)
- [Utah Sister Cities Coalition](#)

Park City, City Council passed "a resolution of good will to the people of Courchevel, France" in 1984, which created a sister city relationship between the two municipal jurisdictions. Over the years, there have been numerous visits by citizens, business leaders, students, teachers, and public officials between Courchevel and Park City. A quick summary of previous Council resolutions and minutes are included at the end of this report for historical reference.

Courchevel had deeply cultivated a relationship with Park City for a number of years, mostly due to our historic and natural setting and capability to become a premier ski resort destination in the U.S and abroad. In addition, the potential for an interconnected ski area in Park City and within the Wasatch Range, which is a very similar construct to the Courchevel experience, was particularly enticing given the potential benefits of parallel cultures (lodging, dining, education, government, regulation, recreation, etc). For reference, Courchevel is currently the largest interconnected ski area in the world.

The original relationship between the two entities was spearheaded by staff at the Park City Ski Area and the Park City, City Council. At that time, a large contingency from Courchevel visited Park City in 1985 and were hosted with great fanfare amongst the community. During the celebration, a ski run was named after Courchevel at Park City Mountain Resort. After the visit, and even with the best intentions, many of the programs had difficulty getting started due to visa restrictions and liability issues. Most of those issues have been mitigated due to organizations such as Sister Cities International.

In spite of the visa and liability issues, one program that remained active and robust was the student exchange program conducted out of the high school. In 2010, however, the program suffered a small hiccup as the State of Utah passed a law to limit “dangerous extracurricular activities.” Local interpretation by the school district resulted in the discontinuation of the ability for Park City Municipal to formally sponsor the Courchevel student exchange program, yet it did not necessarily preclude continued municipal cooperation and exchanges. Despite this, a group of concerned citizens advocated for the continuation of the student exchange program and were able to maintain the experience for students.

There are many other community supporters, with past and present knowledge of the municipal and student exchange aspects of the program, its history, and community benefits, including former Mayor Brad Olch, former Summit County Council Member Sally Elliot, PC High School Principal Bob O’Connor, and various others.

Tina Quayle, for example, has led the student exchange program for the last several years and currently has the most extensive relationship with the City of Courchevel. In addition, she was part of the Park City group that hosted the original Courchevel delegation that visited Park City in 1985 to celebrate the Sister City declaration signed in 1984. She was also chosen to represent Park City at the 1992 Albertville Winter Olympic Games, where Courchevel was a host venue for many of the winter events, similar to Park City in the 2001 Salt Lake City Winter Olympics.

Analysis:

Courchevel is located in the French Alps and is part of [Les Trois Vallées](#), which is the largest linked ski area in the world. It is best known for its massive size, superior guest experiences, and its interconnectivity. In years past, the Mayors of Park City and Courchevel have hosted numerous student and diplomatic exchange groups for city tours, orientations, and receptions (though this has waned in recent years). Up until the 2010 legislation, City involvement had become relatively minimal (\$400 every other year), while trip costs for Park City students can average around \$1,000/week, which are raised via fundraising and donations. PCMC no longer has any financial involvement in the program, nor staff assistance.

The Park City School District currently has two French Dual Immersion elementary schools. Students moving up through the dual immersion schools are predicted to be proficient and fluent in French by the time they enroll in 9th grade. This will allow the current student exchange program, with PCHS students spending a portion of the school year in Courchevel while students from Courchevel attending at PCHS, to grow.

The Park City School District would like to ⁶⁶continue with and grow the student exchange

program and would be interested in sharing the responsibility of the Sister City program with Park City Municipal and other community partners.

The group currently spearheading the relationship (Tina Quayle, Bob O'Connor, etc) is requesting increased involvement by City officials for better coordination with City staff and community members in order to reinvigorate some of the aspects of the municipal relationship and community involvement.

Staff believes that coordination assistance is well within our municipal mission, yet requires direction on the extent of support and level of staff engagement.

Recommendations:

Staff recommends Council specify its level of support for the existing Courchevel Sister City municipal and high school exchange program, and respond to the invitation for Mayoral travel in order to reaffirm the municipal aspects of the relationship.

Department Review:

Executive, Economic Development, Budget, and Legal Departments.

Consequences of not taking the recommended action:

Without additional direction and commitment from the City, volunteers may become discouraged and the high school and municipal program could falter or, ultimately, fail. This would deprive our students and community members of potentially valuable life and business experiences. In addition, the Mayoral travel invitation has real implications for the future prospects (positive or negative) of this relationship moving forward.

Michael Kovacs

From: sally elliott [sallycousinselliott@gmail.com]

Sent: Sunday, October 10, 2010 9:57PM

To: Bill Ligety; Brad Olch; Jim Lea; Dana Williams; Malone, Bill; Bob Richer; Myles Rademan; mylesrad@gmail.com; Larry Warren; Carol Murphy; Carol Murphy; Ann MacQuoid; kenmartz@hotmail.com; Shirley Smith; Shauna Kerr; Bob Wheaton; Bob Wells; Susan Galusha; Liza Simpson; Liza Simpson; Candy Erickson; Cindy Matsumoto; Cindy Matsumoto; Joe Kernan; Joe Kernan; Alex Butwinski; Andy Bernhard; Nan Chalat Noaker; Dave Thomas; Tonja Hansen; Tim Vetter; Jenni Smith; Leslie Thatcher; randy barton; Ray Timothy; Lisa Kirchenheiter; Lisa Kirchenheiter; Anne Bransford; Chris Robinson; John Hanrahan, MD; Claudia McMullin; Dave Ure; Kim Carson; Kim Carson; Tom Bakaly; Bob Jasper; Sue Galusha; Michael Kovacs; Michael Kaplan; Jackie Hunden; Evan Sachs; John Gleason; Sue Gleason; Bernard Rizzolo; Nadja Newhall; Larry Newhall; Patton Murray; Tina Quayle

Subject: Courchevel -Sister City Club

I've gone back to my old notes about our Sister City relationship with Courchevel and propose to you that we restructure the club based upon my reading of the by-laws and the way we put things back together in 1998.

For those of you who are new to this discussion, the Sister City relationship between Park City and Courchevel began in 1984 when Courchevel was a well-established ski resort and Park City was beginning to be recognized on the international scene. We were very flattered by the offer and a number of influential Park City pioneers went to Courchevel to cement the relationship.

Since that time, we supported the Olympics in Albertville, France and they came to support our Olympic efforts. Every two years (give or take a few) we have done youth exchanges between Park City High School students and Courchevel students (though there's no High School there) and we've had many wonderful parties on both sides of the Atlantic. Our students go to Courchevel with their season passes and local chaperones and ski in France during the Presidents' Holiday week. In the summer, their students come here and visit the same families who hosted them. They participate in all the things we love to do in the summer in Park City and then they go off on a camping trip in Utah's National Parks.

The Park City School District, Chamber Bureau, our three wonderful resorts and Park City Municipal have been our institutional supporters, with many community volunteers (mostly parents and teachers of students) doing the "heavy lifting".

Sue Galusha who teaches at Park City High School has been the President of the Club for many years, but she no longer teaches French and State law has prohibited the School District from sponsoring the exchange. While I understand the liability issues, it has now become impossible for us to advertise the Courchevel exchange in the school system and we must use the local media to inform students and parents of the opportunity (Leslie, Randy and Ann may have your ear?). I know how difficult State law can be and I'd like to change it, but that is always problematic. The result is, however, that the "school gag order" might keep some of our children from participating in this very worthwhile opportunity to make international friends at minimal expense (about \$1,000 per student for a week of skiing in France!!).

A part of the informal compact that is essential to continuing the relationship is the unique arrangement our ski areas have made with Courchevel. Anyone who displays a season ski pass from anyone of our three ski resorts is automatically offered free skiing in Courchevel and vice versa. Are you guys willing to continue that? Are you also willing to support the summer

activities of the Courchevel high school students in Park City with activities at your resorts? Tonja and Tim, please forward to Mike Goar. I don't have an email address for him.

When we re-structured the Sister City Board, according to our By-Laws, in 1998 we had nine Board Members and 4 ex officio members, as follows:

Ex Officio:

Mayor of Park City---Honorary President

Canyons

Deer Valley

Park City Mountain Resort

Board Members:

Chamber Bureau---Secretary

Park City High School French Teacher

Travel Agent---always Shirley Smith, in the past

Public Relations---either Park Record or KPCW representative

Institutional Knowledge---someone who understands the past

Treasurer---which we don't need because the Chamber has taken care of that and we don't have or need money

President

Vice-President

Business Community

Since parents participate when their children are involved, and some of us participate because we believe in the relationship, we need to establish a commitment on the part of Park City Municipal, the Chamber Bureau, the School District, Deer Valley, Park City Mountain and Canyons. Parents will volunteer if you "big guys" are willing to commit.

I will be happy to do interviews on the radio and write press releases. Though I'd love to go this year as a chaperone, my grandsons are coming to bang bumps with me and I'd really rather be with them. I'd love to pass this torch on to those of you who are younger and will be willing to carry forward.

What do you say?

Sally Elliott

2690 Sidewinder Dr.

Park City, UT 84060

home/work: 435-649-5712

mobile: 435-640-3759

sallycousinselliott@gmail.com

RESOLUTION

Resolution No. 1-84

A RESOLUTION OF GOOD WILL TO THE PEOPLE AND CITY OF COURCHEVEL, FRANCE

WHEREAS, the City of Courchevel, the largest ski area in the world, has selected Park City, Utah as its Sister City; and

WHEREAS, the City of Courchevel and Park City share the strength and beauty of the mountains, the love of skiing, and the enthusiasm for life necessary to make a successful resort community; and

WHEREAS, a close association with a community that is at once so similar and so different from our own, offers a unique opportunity to expand our horizons, sharpen our insights, and gain a new perspective on ourselves and a broader understanding of others; and

WHEREAS, an educational, recreational, cultural, and commercial exchange with the people of Courchevel will be mutually beneficial by developing new friendships that enrich the lives of all who are associated with the program;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Park City, Utah that the City of Courchevel, France is hereby accepted as our Sister City, a twin sister, and the good will of the people of our mountain village is extended to the people of your mountain village, with whom we hope to have a long relationship.

DATED this 5th day of January, 1984.

PARK CITY MUNICIPAL CORPORATION

C. R.

DECLARATION

DECLARATION DE BONNE VOLONTE A L'EGARD DE LA POPULATION ET DE LA VILLE DE COURCHEVEL, FRANCE

CONSIDERANT QUE, la ville de Courchevel, le plus grand domaine skiable du monde, a choisi Park City, Utah comme ville jumelle,

CONSIDERANT QUE, les villes de Courchevel et Park City ont en commun la puissance et la beauté des montagnes environnantes, l'amour du ski et l'enthousiasme quotidien nécessaire au succès d'une station de ski,

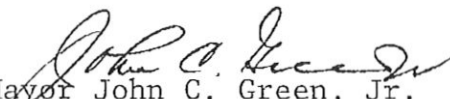
CONSIDERANT QU'UNE association étroite avec une communauté qui est à la fois si semblable et si différente de la notre, nous offre une occasion exceptionnelle d'élargir notre horizon, d'approfondir nos connaissances, et d'acquiescer une nouvelle perspective de nous-mêmes et une meilleure compréhension des autres,

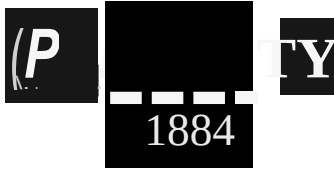
CONSIDERANT QUE, des échanges culturels, scolaires, commerciaux ou de loisir avec la population de Courchevel seront mutuellement bénéfiques en développant de nouvelles amitiés qui vont enrichir la vie de tous ceux qui seront associés ce projet,

POUR TOUTES CES RAISONS IL A ETE DECIDE par le conseil municipal de Park City Utah que la ville de Courchevel, France, est officiellement acceptée comme notre ville jumelle et que la bonne volonté des gens de nos montagnes est tendue aux gens de vos montagnes, avec qui nous espérons entamer une très longue relation.

En ce cinquième jour de Janvier, 1984.

LE CONSEIL MUNICIPAL DE PARK CITY


Mayor John C. Green, Jr.



A RESOLUTION WELCOMING THE SISTER-CITY YOUTH EXCHANGE
OF COURCHEVEL, FRANCE TO PARK CITY, UTAH

WHEREAS, on January 5, 1984, Park City officially declared its resolution of good will to the people and the city of Courchevel, France; and

WHEREAS, the value of developing a sister-city relationship is to offer the opportunity to broaden our horizons by gaining a new perspective on ourselves by understanding others; and

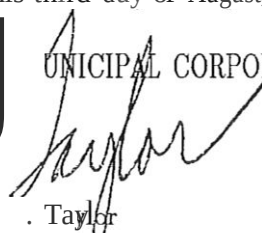
WHEREAS, educational, recreational, cultural, and commercial exchanges with the people of Courchevel are mutually beneficial by cultivating new friendships that enrich the lives of all who are associated with such programs, especially our youth; and

WHEREAS, the Board of Directors of the Park City Sister-City Committee and the Courchevel Summer Student Exchange Committee have organized a youth exchange for fifteen students and three chaperons from July 25 to August 16, 1989;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the City Council wholeheartedly welcome our Courchevel visitors; wish them a productive and enjoyable stay; and encourage the community to extend the friendliness Park City is known for to our guests;

BE IT FURTHER RESOLVED that Park City appreciates our Sister-City Committee's successful efforts in promoting continued good relations with Courchevel; and also thank the hosting families for their hospitality and generosity.

PASSED AND ADOPTED this third day of August, 1989.

pj MUNICIPAL CORPORATION

Mayor Hal Taylor

existing ordinance have been changed, although there are new classifications which may alter assessment fees which may have been previously determined at a different rate because of classification limitations. The Mayor invited the public to comment. Hearing nothing, the Mayor declared the public hearing on the proposed business license ordinance closed.

PUBLIC INPUT

Presentation Regarding the "Sister City Exchange Program" with Courcheval, France - Joanne, Assistant Marketing Director of the Park City Ski Resort discussed the active exchange program with Courcheval, France. It is the intention of the program to conduct an exchange, involving resort employees, students, and citizens of Park City and Courcheval. Ms. Beck introduced Raoul Andrews-Sudre, who is Courcheval's representative. Unlike Park City, Courcheval is comprised of four towns at different elevations. The city and the ski resort operate as one entity; the Mayor is also the Director of the resort. Messr. Andrews-Sudre expressed his excitement over the program and emphasized that Park City was not randomly selected. Main resorts were examined in the United States, but the three main reasons for designating Park City as a sister city were (1) the history of Park City, (2) the character of Park City, and (3) the potential of the ski inter-connect. It was felt that Park City has the potential of becoming the number one resort in the United States, identical to Courcheval's reputation in Europe. Discussion ensued regarding exchanging ideas for a concert/convention center and planning procedures. The Mayor pointed out the importance of including both resorts in Park City in the program. The Council expressed their enthusiasm and support of the program, and thanked Ms. Beck and Messr. Andrews-Sudre for their presentations.

The Mayor invited the public to comment on any matter of City business. Hearing nothing, the public input session was closed.

MINUTES OF MEETING OF NOVEMBER 3, 1983

Tom Shellenberger corrected the Minutes to reflect that under the ordinance vacating a portion of Samson Avenue, that the third line should read "No part" rather than "Any party" affected by the vacation. . . . r. Shellenberger further corrected the minutes under the Mountain Fuel easement business to reflect that the easement was reduced by eight feet. Bob Wells, "I move approval of the Minutes, as corrected". Helen Alvarez seconded. Motion carried.

PUBLIC COMMUNICATIONS AND PETITIONS

1. Liquor Consent Letter from Fritz White (New Management) of Utah Coal and Lumber - and -

2. Class "B" Beer License Request for Gorilla's Games and Grub Located at the Silver Mill House at the Resort -

Bill Coleman, "I move to approve the liquor consent letter for Utah Coal and Lumber and the Class "B" beer license for Gorilla's Games and Grub". Tom Shellenberger seconded. Motion carried.

3. Acceptance of Thaynes Canyon #6 Subdivision - Mike Vance, the Community Development Director explained that this is a two-lot subdivision located at Thaynes Canyon Drive. It has been built for two years, but Mr. Vance has

4. Appointment of Council Liaison to Museum Advisory Board - and -

5. Appointment of Council Liaison to Centennial Commission - The Mayor recommended that Items 2, 3, 4, and 5 under Resignations and Appointments be postponed. Bob Wells, "I so move". Jim Doilney seconded. Motion carried.

ORDINANCES

1. An Ordinance Establishing a Regular Meeting Date, Time, and Location for Meetings of the City Council of Park City, Utah for 1984 - The City Manager explained that the ordinance reflects the continued practice of holding meetings at 5 p.m. at the Marsac Municipal Building, with afternoon work sessions convening at 1 p.m. The Mayor entertained a motion for approval. Al Horrigan, "I so move". Bob Wells seconded. Motion carried.

2. An Ordinance Adopting the Assessments on Greater Masonic Hill Improvement District - Tom Clyde, explained that this has been before the Council at various stages of the process, creating the District. The ordinance needs to be amended (Paragraph (a) of Section 5, on Page 3 stricken) With that amendment, the City Attorney recommends approval. With the approval of the ordinance, the assessment of \$1,165 will be levied on each of the 451 connections within the District. There have been no objections reported to the Board of Equalization concerning the assessment from the property owners. Tom Shellenberger, "I move we approve the ordinance adopting the assessments on the Greater Masonic Hill Improvement District". Jim Doilney seconded. Motion carried.

OLD BUSINESS

Approval of Interim Warrant #5 Not to Exceed \$150,000 for the Greater Masonic Hill Improvement District - Tom Clyde explained that the \$150,000 is cumulative between the last two requests for payment. A substantial part of this request was covered by Interim Warrant #4. The appropriate amount for Interim Warrant #5 is \$38,851.30. Bob Wells, "I move approval of Interim Warrant #5 in the amount of \$38,851.30 for the Greater Masonic Hill Improvement District". Tom Shellenberger seconded. Motion carried.

NEW BUSINESS

1. A Resolution of Good Will to ComeYel+=FJance -- Our Sister;cit- The Mayor recommended a motion to approve. i140: Coleman, I so move". Jim Doilney seconded. Motion carried.

2. A Resolution Authorizing the Issuance and Sale of Water Development Fee Revenue Bonds to Finance the City's Portion of the Greater Masonic Hill Water and Pumping Stations, and Water Lines in the Amount Not to Exceed \$325,000- Tom Clyde explained that this tank is part of the Masonic Hill water system. The tank being built has a million gallon capacity. The City has joint ventured this tank under the arrangement that the City will be receiving half the capacity for a third of the cost. The benefit to the District is the lower financing rates. The City's share of the tank is \$325,000, which covers the tank, our portion of the interest on the interim warrants, bond closing fees, and bond guarantee funds. The revenue bond is based on water development fees only, and does not pledge water connection fees or user fee, and will be paid out over a

"B" Beer License for the Corner Store". Bill Coleman seconded. Motion carried.

Bob Wells	Aye
Tom Shellenberger	Aye
Al Horrigan	Aye
Bill Coleman	Aye
Jim Doilney	Abstention - for reason of business relationship

4. Request from U. S. Film Festival to Hang Banner Across Park Avenue from January 20 through January 29 - Tom Shellenberger, "I move we approve the request from the Film Festival to hang a banner across Park Avenue". Al Horrigan seconded. Motion carried.

5. Request from Cowboy Bar for Liquor Consent Letter
The Chief of Police, ranee, commented that this request was previously denied by Council a few months ago. Since that time the new management of the Cowboy Bar have improved the operation, and the Police Department have had no enforcement problems with the establishment. Chief Bell recommended approval of the liquor consent letter. Bob Wells, "I so move". Tom Shellenberger seconded. Motion carried. For several months, the City Council have approved liquor consents, but State approval has been denied because of their allocation formula. Discussion ensued regarding the liquor license distribution formula (one liquor license per 6,000 people based on state-wide population, excluding private clubs). It is the intention of the Council to be represented with Chief Bell at the next Liquor Commission meeting on January 27, to establish better rapport with the Commission, and emphasize Park City's liquor enforcing efforts.

COMMUNICATIONS AND REPORTS FROM COUNCIL

1. Report from the Sister-City st to ourcve, ranee B o eman poiBd out the parallels between the Courchevel layout and Park City when comparing Deer Valley, Park West, Little Cottonwood Canyon, and Park City elevations. Mr. Coleman pointed out that the State of Savoie assists in aiding Courchevel, so that the socialistic type system obviously contrasts with the operation of ski resorts in the United States, and private enterprise. The Mayor of Courchevel expressed the goals of the sister-city program as (1) commercial benefits and exchange, (2) business concept exchange, and (3) exchanging of people. Mr. Coleman commented on the excellent hosting on the part of the people of Courchevel. A delegation from France will be visiting Park City in March. From a planning standpoint, Bill Ligety, Planning Director, pointed out that that Courchevel is not a place where a lot of construction is occurring, and the planning scheme has been realized.

2. Museum Advisory Board - Tom Shellenberger, Council liaison to the Museum Advisory Board, reported that the Board met for the first time on Tuesday January 10. Pat Smith, Director, is working on the first exhibit which will reflect the first 100 years in Park City.

RESIGNATIONS AND APPOINTMENTS

None before Council.

ORDINANCES

None before

Council. NEW BUSINESS

banners, what organizations, adequate and appropriate lead time for requests, types of events). Ms. MacQuoid stated that Laguna Beach, a resort community, also frequently uses banners for advertising events. However, they have an ordinance in place and she has made arrangements to provide the Council with a copy. She emphasized that it is not her intention to utilize the banner as a permanent marquee,

Frank Harris Representing Park City Performances, added that "This is the Place" should prompt additional consideration since it is Park City's Centennial show. Also, since Main Street will be torn up this summer, the banner advertising the show is a good way to prompt people to visit Main Street.

Bill Coleman felt selected banners should generate the most information to the broadest spectrum. He stated that he felt that the two requested periods in April are reasonable, but the 4th of July slot should not be granted at this time. He also felt that banners should not be hung for long periods of time; it defeats their effectiveness, and they aren't particularly attractive.

Jim Doilney, "I move we approve the Egyptian Theatre request to hang a banner on Park Avenue on April 11-14 and April 18-21". Al Horrigan seconded. Motion carried.

Bob Wells requested that the Planning staff make a recommendation regarding banners.

Frank Harris Commented that if there are costs incurred with putting banners up and taking them down, that they would be willing to pay the costs.

COMMUNICATIONS AND REPORTS FROM COUNCIL

Jim Doilney reported that next week the City will receive a presentation from the Community Education Task Force.

Bill Coleman expressed the appreciation of the Mayor and other delegates from Courchevel. The visit was a complete success. Mr. Coleman also passed on Jim Murphy's thanks to the City's for its cooperation in the Utah Special Olympic events.

Bob Wells welcomed Mayor Green back.

Mayor Green discussed the State Ethics Act and how it relates to elected officials' disclosure statements. The disclosure statements of the City Council have been submitted and follow these minutes as a part of the record. All disclosure statements of employees, board and commission members will be submitted to the Mayor and made part of the public record, and filed in the City Recorder's Office.

COUNCIL WORK SESSION REPORT

Al Horrigan reported that the Council meet with the Housing Authority to discuss the inducement resolution for Doilney Construction, and general employee housing ideas. In closed session litigation matters were discussed (water issues) along with personnel matters and sale of City property.

RESIGNATIONS AND APPOINTMENTS

There is \$200 million available; cities in the State are competing for the money along with the University Board of Regents. He further discussed formula for distribution and stated that he will keep the public informed on this matter.

5 Courchevel Del ati-on - Bill Coleman welcomed the high school studentsrom ourchevel, France who have arrived in town. This visit is one of the activities of the "Sister City Program", which has been a tremendous success.

COUNCIL WORK SESSION REPORT

Bob Wells reported that in closed session the City discussed the proposal to purchase City property known as the Monroe property (across from the Copperbottom Inn). The appointments to the Historic District Commission were discussed and it was the consensus of the Council that it be appropriate to personally interview candidates. The hotel site, north of the Marsac Building was also reviewed. During open work session the schedule for the Comprehensive Plan and future meeting scheduling were discussed.

RESIGNATIONS AND APPOINTMENTS

1. Appointment of Craig Smith as City Recorder and Sandy Artist as Deputy City Recorder - As part of the reorganization of the Legal Department, these appointments are appropriate. Tom Shellenberger, "I move approval of the appointment of Craig Smith as City Recorder and Sandy Artist as Deputy City Recorder". Al Horrigan seconded. Motion carried.

2. Reappointment of Historic District Commission and Appointment to Fill Unexpired Term of Nina Macheel - The Mayor entertained a motion to table. Bill Coleman, "I so move". Bob Wells seconded. Motion carried.

ORDINANCES

1. Ordinance Changing the Zoning Map of Park City (Ontario Canyon Zone Change from Estate to RD and ROS) - Al Horrigan disclosed that he will be abstaining from voting because he is a listing agent for the Ontario Condominium Project.

The City Attorney explained that this should have been on the agenda a month ago when the annexation and zone change approval were passed. The legal description and ordinance has just been prepared, and adoption is in order as a housekeeping matter. It should be noted that the master plan development process will limit the development to 50 units and ensure that density in the future. Tom Shellenberger, "I move approval of the ordinance chan ing the zoning map of Park City". Bill Coleman secon ed. Motion carried.

Tom Shellenberger	Aye
Al Horrigan	Abstention
Jim Doilney	Aye
Bill Coleman	Aye
Bob Wells	Aye

2. An Ordinance Desi natina Truck Route for Access to the Silver Lake Area an Esta lishing the Penalties for Violations - Petitions have been received from the Marsac Avenue residents and from the Deer Valley Road residents which prompted this proposed ordinance. During work session, however, the Council arrived at alternatives which

Jim Murtht - The transportation services would amount to \$3, 5 .60. Police services would total \$2,500. Street banners for both games, without isolating, would be \$200. Street flag installation amounts to \$3,820. Signs and maps, \$2,934; and bus stop signage installation, \$360; for a total of \$13,066.50. Based on Chamber/Bureau projections, \$2,369,000 would be raised in revenues for Park City.

The Mayor invited the public to comment on the public hearing. Mayor Green assured Mr. Murphy and his staff that the City will do everything possible to make the games a success. With no further statements, the public hearing was closed.

PUBLIC INPUT

The Mayor ask that the public comment on any matter of City business.

Jim Berry - Fire Chief of the Park City Fire Protection District, stated that during the recent renovation of their fire station, he discovered a long overdue award to the Mayor. Chief Berry presented Mayor Green a 25 year service certificate from the Utah State Firemen's Association.

MINUTES OF MEETING OF DECEMBER 6, 1984

Tom "Shellenberger, "I move we approve the Minutes". Al Horrigan seconded. Motion carried.

CONSENT AGENDA

Bill Coleman disclosed that he will be abstaining from voting on Items 4, 11, and 13, because of client involvement related to these items.

Mike Vance, the Community Development Director, called the Council's attention to the numerous plats scheduled on the Consent Agenda, in an effort to have them recorded before the end of the year. In an attempt to cooperate with developers, some of the plats have been placed on the agenda, even though there are very minor unresolved problems. Those matters will be taken care of by Mr. Vance before the plats are recorded. However, the Community Development Director asked that the Council table Items 6, 7, 8, and 18, because the Planning Commission has not approved the plats, and it is not appropriate for Council to override the approval process. Item 14 should be withdrawn entirely.

The City Manager emphasized that the plats are thoroughly reviewed by the Community Development Director and the Assistant City Attorney. Approvals are contingent on payment to the City of property taxes, and plan review fees.

The Mayor entertained a motion to table Items 6, 7, 8, and 18; and withdraw Item 14. Al Horrigan, ".....2.f move". Jim Doilney seconded. Motion carried.

1. A Proclamation Honoring Courchevel France and Designating January 5th as Sister City Dar in Park Cityf Utah - Since it has been a year since our first message o good will, and the resulting exchange of visits has been a success, Bill Coleman felt it appropriate to write and send Courchevel another proclamation in recognition of our continuing frien ship.

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
FEBRUARY 5, 1987

ROLL CALL

Mayor Taylor called the regular meeting of the City Council to order at approximately 6 p.m. on Thursday, February 5, 1987 at the Marsac Municipal Building. Members present were Hal Taylor, Jim Santy, Kristen Rogers, Ann MacQuoid, and Tom Shellenberger. Jim Doilney was excused. Staff present were Arlene Loble, City Manager; Jim Carter, City Attorney; and Bob Stephens, Personnel Director.

PUBLIC INPUT

Presentation from Ellen Patmore from Sister City, Inc. S. Patmore explained that Sister Cities International is an organization that was the brain child of President Dwight D. Eisenhower who decided 30 years ago as an outcome of World War II, that the United States needed to work on fostering better relations with countries overseas to ensure peace. As a result, he arrived at the idea of cities in the United States "adopting" cities overseas as their "sister city" to promote good will and international awareness among all people. It has since grown, and there are now over 1,000 cities in the United States participating in the program.

Park City, as most know, is the sister city of Courchevel, France and chosen by SCI to be the recipient of a grant as one of 20 pilot cities in the United States to participate in the Practical Trainee Worker Exchange. It is quite a honor to be chosen as many cities were interested. The purpose of the exchange is to expand on youth programs and extend to those between the ages of 18 and 25, an opportunity to visit a sister city, live or acquaint themselves with a host family, and obtain solid work experience in their field. She introduced the young citizens from France who are working and living in Park City and the exchange participants who will be going to France in the next few months.

Ms. Patmore further clarified for Council that this particular grant application for Park City was written by Tony Mitchell, former School District Superintendent who was involved with the selection of Park City's exchangees. After review, it was determined that Park City's project was a worthwhile one to fund. This particular grant (\$2,250) is earmarked to fund the travel of the Park City exchange participants. In the future, SCI is looking to expand their base of grant monies for young professional people for those up to 35 years old (i.e., city government, local businesses, ski resort industry). SCI is also developing reciprocal monies for exchangees from foreign countries where funding is difficult to provide for their youth. It is hoped that SCI will continue to receive future grants and Ms. Patmore encouraged Park City to apply next year for youth exchange, young worker exchange grants, and anything that would help spark the growth of international awareness which may result in economic benefits. There is funding available now for high school exchangees and the deadline for such application is April 7.

The Mayor thanked Ms. Patmore and expressed his enthusiasm for the program. He then invited the audience to comment on any matter of City business. Hearing none, the public input session was closed.

PUBLIC HEARING

None before Council,

5. courchevel sister-City Club Reception - Ann MacQuoid reported that a reception will e held at the Barking Frog on Monday evening at 5 p.m, open to anyone interested. Peregrine Travel is organizing a winter ski trip to Courchevel. The Committee is hosting 16 kids from Courchevel who will be staying in homes in Park City. A VIP package is being coordinated to host sister-city visitors in November. French classes are also being offered through this group.

VII REPORTS FROM COMMISSIONS AND BOARDS

None.

VIII ADJOURNMENT

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

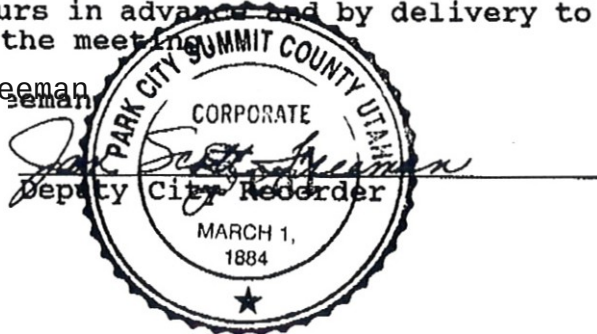
MEMORANDUM OF CLOSED SESSION

The city Council met in closed session to discuss a personnel matter at approximately 4 p.m., as advertised on the agenda. Members in attendance were Kristen Rogers, Ann MacQuoid, Ray Johnson, Jim Santy, and Brad Olch. Staff present were Jerry Gibbs, Acting City Manager; and Jim Carter, City Attorney. The meeting opened at approximately 5 p.m.

* * * * *

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

Prepared by Jan Scott Freeman



Courchevel Exchange - Ann MacQuoid commented that this week 15 teenagers from Park City's sister city Courchevel, France would be arriving in Park city. She suggested that the week of July 30 through August 7 be designated Courchevel week in Park City. Ms. MacQuoid then invited the Council and any interested parties to attend a family picnic at Rotary Park on August 6 at 6:00 p.m. All of the Courchevel students will be there with their host families and it would be a good opportunity to meet and welcome them to Park City.

Planning Charrette - Myles Rademan reported on the upcoming Planning Charette. He met earlier with the Economic Development Committee of the Chamber, who has appointed a steering committee for the Charette and would like one of the Councilmembers to be a part of that. Jim Santy agreed to represent the Council on that committee. Mr. Rademan explained that there are now 12 people who are going to sit on the Charette team and agreed to get a list of those people for the Council.

Colorado Field Trip - Mr. Rademan also reported that there are approximately 30 people who are going on the Colorado field trip and that the response from the people in Colorado is overwhelming. Mr. Rademan advised the Council to let him know if there is anything particular they wanted to learn on the Colorado field trip, and he'll have it set up.

VI REPORTS FROM COMMISSIONS AND BOARDS

Planning commission Meeting of July 26, 1989 - Eric DeHaan reported that the Planning Commission met Wednesday, July 26th. The Commission took a field trip to the Silver Lake area in Deer Valley where they also visited a vacant lot that is currently ROS zoned at the intersection of Royal Street and Royal Street West. Deer Valley is attempting to transfer one unit of density onto what was earlier ROS and hopes to obtain approval from the Planning Commission and City council for that transfer. Part of the discussion might center around them giving the City, as ROS zoning, the school parcel on Deer Valley Drive North.

They also reviewed a preliminary approval for Royal Plaza which is a two-story underground parking structure and two buildings located in the Silver Lake Subdivision. Deer Valley hopes to begin and complete the construction of the two-story underground parking structure in the Mariposa parking lot this summer. The Knoll Estates Subdivision plat was also approved at the meeting.

Mr. Olch asked when we might expect to have the road widened the Guardsman Connection Road. Mr. DeHaan explained there

90 - The pay plans are adopted annually in conjunction with the budget. Pay ranges in grades are based on salary survey information provided by the external market and adjustments are made accordingly each year. It is the Council's philosophy to compensate equal pay for equal work and provide merit increases as incentives, rather than across-the-board cost-of-living raises. This resolution reflects that philosophy, and staff recommends approval.

2. Approval of temporary outdoor sales permit for Valline Gallery, 1101 Park Avenue, for a sidewalk sale on August 5 and 6, 1989 The applicant has complied with the City's business licensing provisions, and staff recommends approval.

3. Deer Valley Concert Series Master Festival Licenses for the Temptations on September 1; Carole King on August 9; and Stevie Ray Vaughn on August 22, 1989 - Since these activities are beyond the scope of Deer Valley's business license, these concerts are individually licensed through the master festival license ordinance. None of these concerts should attract crowds of more than 4,000 which is well within the manageable capacity of Deer Valley. No fee waivers are requested, and staff recommends approval.

4. Approval of temporary outdoor sales permit for Herman's Sporting Goods, 1800 Park Avenue, on August 4, 5 and 6, 1989 - staff recommends approval.

5. Approval of a resolution welcoming the sister-city Youth Exchange of Courchevel, France to Park City, Utah - The local sister-city committee has been reorganized this past year with Amanda Peterson as the Chairman. The committee has been successful in soliciting interest in the newly formed Courchevel Club and arranging an exchange of fifteen Courchevel youths and three chaperons. Sally Elliott, Chairman of the Courchevel Summer Student Exchange Committee certainly deserves a special thanks. A resolution welcoming our visitors and acknowledging the efforts of the sister-city committee is appropriate.

6. Approval of street closure of Main Street for Leukemia Society parade on Saturday, August 12 from 8 a.m. to 10 a.m. - See public hearing commentary.

7. Approval of sidewalk sale on August 11, 12, 13, 1989 for the following businesses:

Jans Mountain Outfitters, Resort center and Park Avenue
Valline Gallery, Park Avenue
Albertson's, Park Avenue
Patchwork Parlor, Holiday Village Mall

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
NOVEMBER 1₁ 1990

I ROLL CALL

Mayor Brad Olch called the regular meeting of the city Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, November 1, 1990. Members in attendance were Sally Elliott, Ray Johnson, Bob Richer, and Brad Olch. Ruth Gezelius and Jim Santy were absent and excused. Staff present was Toby Ross, city Manager; and Rick Lewis, Community Development Director.

II PUBLIC INPUT

Sister City Program - Japan - Ivory, stated that he has just returned from working in Osaka, Japan in the Mayor's Office. He urged Council to consider a sister-city relationship with a city in the Nagano area. Mayor Olch felt that the community would be very responsive to this suggestion. Ms. Elliott informed Mr. Ivory that a Park City Sister Cities Board of Directors has been formed and it would be appropriate that they be contacted.

III MINUTES OF MEETING OF OCTOBER 18, 1990

Sally Elliott corrected G&R Disposal to G&F. Ray Johnson, ¹¹I move approval of the minutes. as corrected¹¹. Sally Elliott seconded. Motion carried.

Sally Elliott	Aye
Ruth Gezelius	Absent
Ray Johnson	Aye
Bob Richer	Aye
Jim Santy	Absent

IV COMMUNICATIONS FROM COUNCIL AND STAFF

1. Curb-side recycling. Sally Elliott report that G&F Disposal has agreed to provide service in the Park Meadows area for three more pick-ups free of charge.

2. Animal control. Ms. Elliott stated that after meeting with the County Commission, it was its recommendation that Park City assist with the funding of an animal shelter.

3. Royal street traffic concerns. Bob Richer stated that he was contacted by Jeff Smith of the American Flag Homeowners Association. Discussion ensued regarding the delay in responding, and it was pointed out while this was taken under advisement, there were telephone conversations and meetings before a written response was provided. Allowing skateboarding and rollerblading on the road was also debated.

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
NOVEMBER 8, 1990

I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, November 8, 1990. Members in attendance were Sally Elliott, Ruth Gezelius, Ray Johnson, Bob Richer, Jim Santy, and Brad Olch. Staff present were Toby Ross, City Manager; and Jim Carter, City Attorney.

II PUBLIC INPUT

Mayor Olch reported that the City closed on the Osguthorpe Dairy yesterday. He invited the public to comment on any matter of City business. Hearing none, the public input session was closed.

III MINUTES OF MEETING OF NOVEMBER 1, 1990

Sally Elliott, "I move approval". Bob Richer seconded. Motion unanimously carried.

IV COMMUNICATIONS FROM COUNCIL AND STAFF

1. Courcheve-l -ub Sally Elliott announced that the meeting of the Courchevel Club will be at 5:30 p.m. at Alex's Restaurant on November 14 and the public is welcome.

2. Recycling Center - Myles Rademan reported that the foundation has not been poured for the new building and it is hoped that the building be "internalized" for the winter and outdoor bins placed behind the building. Although progress has been stalled, Mr. Rademan felt that a commitment has been made by the volunteers involved.

3. War Memorial Plaque - Myles Rademan reported that the World War I plaque will be removed from Z-Place and taken to the County Courthouse and housed with the other plaques from this building, which was formerly the War Veterans Memorial. Mr. Rademan related that there was pressure from Senator Hatch's office, local veterans, and the County commission to relocate the plaque. Ruth Gezelius added that she hoped that in the future, if there is an appropriate place in Park City, that the veterans would consider bringing this plaque back to the community.

V REPORTS FROM COMMISSIONS AND BOARDS

None.

VI CONSENT AGENDA

III COMMUNICATIONS FROM COUNCIL AND STAFF

Shauna Kerr stated that she will be chaperoning high school students to our Sister City, Courchevel France. She suggested that the Miners Hospital be used as a hospitality house for Courchevel visitors during the Olympics. Peg Bodell reported on the Interagency Meeting held this week and the success of the Leadership 101 session. Rick Lewis noted that the Planning Commission concluded its review of the Environmental Element of the General Plan which will be forwarded to the City Council. The City Manager advised special meeting dates and meetings of interest.

IV WORK SESSION NOTES AND MINUTES OF THE MEETING OF JANUARY 27, 2000

Hearing no omissions or corrections, the Mayor requested a motion to approve. Shauna Kerr, "I so move". Peg Bodell seconded. Motion carried.

Peg Bodell	Aye
Roger Harlan	Aye
Candace Erickson	Aye
Fred Jones	Absent
Shauna Kerr	Aye

V PUBLIC HEARING

Continuation of hearing - Petition to vacate a portion of Ontario Avenue and a request for a plat amendment to combine seven full and five Partial lots into four lots of record: Ontario Avenue right-of-way adjacent to Lots 1 - 5, Block 60, Park City Survey and Lots 2732, Block 55, Park City Survey located in the Southeast quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian - Kevin LoPiccolo referred to the discussion in work session and offered to answer any questions of Council. The Mayor invited the City Council and the public to comment.

Tony Rampton, attorney for Leslie Miller, stated that he met with Mark Harrington and suggested some language to be inserted in the findings and conditions; he is comfortable with the application. Mr. Harrington referred to the amended version which was distributed to Council today, affecting Findings of Fact No. 17 and Conditions of Approval Nos. 9 and 11. In response to a question from Roger Harlan, Mark Harrington explained that the current proposal for the width of the access road is 20 feet and the drive would have to be reconstructed in the future to meet the City's specifications for additional service to Block 52. Mr. Rampton thanked the City Council and staff for working with his clients. With no further comments, the Mayor closed the public hearing.





PARK CITY COUNCIL MEETING MINUTES- DRAFT
SUMMIT COUNTY, UTAH,
November 20, 2014

Closed Session

To discuss Property, Personnel and Litigation

Study Session

Economic Development and Park City Project Update

Brad Dixon and Jeremy Lund, Park City Project Developers, discussed the Park City Project as being a business-based approach for creating and fostering businesses in Summit County. Council member Henney inquired how they plan to incorporate affordable housing in with this plan as well as the broadband aspect. Mayor Thomas inquired about the current anchors in the community and what needs to be incorporated to become a full-throttle community. Council member Matsumoto stated that she would not want to do anything that would be detrimental to the resort community and felt that the best way to go is to have a small business in Park City that will feed off of the brand of Park City, fears that it will grow so large and become an industrial area. Council member Beerman stated that he would like to continue to focus on the quality of life to draw people here. The challenge of affordable housing with a resort community is that many of the jobs cannot and do not pay well enough to live in Park City, he would like to see businesses brought in that would provide middle class income. Council member Simpson touched on the discussions of incubation spaces to help bring businesses in where the housing allows. Foster spoke to the adaptation of this project in conjunction with the Council's goals. Council member Peek spoke to the broadband portion as well as the incubation space. Dixon stated there is a link with the Universities as well as bringing in like-minded business people in as mentors, to help collaborate and innovate other people. Lund spoke to the mentor piece of the puzzle creating a sense of place on the micro-scale with incubation hubs. Spoke to the Park City Angle Network that was started two years ago focusing on a small business incubator as a seed for economic development. Discussed how they can partner with the City and County to help get this program up and running. Matt Abbott stated that staff is in a consistent process of weekly and monthly meetings with the Project, and County to see how they can all work together. Council thanked Dixon and Lund for the hard work they have accomplished in a short amount of time.

Work Session

Council Questions and Comments and Manager's Report

Council member Matsumoto attended the Recycle Utah meeting, looking forward to a great partnership. Stated she read an interesting article in Time Magazine regarding incentivizing mass transit riders to eliminate parking problems in Dubai. Wished everyone a Happy Thanksgiving.

Council member Simpson had nothing to report.

Council member Peek attended the leadership meeting enjoying the new group and format. Attended the HPB where they had two applications for setbacks with one approval and one denial.

Council member Beerman commented on the Marsac Munch-out stating that he felt they gave Sharon a great send off. He attended the leadership group event and spoke to Ski Utah regarding Mountain Accord.

Council member Henney stated that he and Beerman visited the US-40 tunnel with Heinrich Deters, Trails and Open Space, where they watched the interesting process of placing bridge pieces. Attended the HPCA meeting where they discussed outdoor dining decks and peak parking.

Mayor Thomas also attended the leadership class and is impressed and excited to see where this goes. Attended a COG meeting where they discussed sustainability and the PAAB where they discussed not having enough money to spend on Art.

Boards and Commissions Discussion

Matt Dias and Karen Anderson, Executive department, discussed the proposed changes to the Boards and Commissions selection process. Dias outlined the proposed changes including staggering terms, no phone interviews and keeping an active roster. Council member Simpson stated that she feels that the no phone interviews is a good recommendation but feels that if the person being interviewed is known by the Council then they could make an exception. She then inquired about the expiration dates stating that she understands the consistency factor and would like to keep this consistent; however, she feels moving the term expiration date to the end of September so that the interview process is not competing with the budget process would be a better solution. Dias stated that he feels that this last year was an anomaly.

Council member Matsumoto felt that if the boards were staggered it would allow candidates to apply for different boards if they are not selected for one. Council member Peek also agreed that the terms should be moved off the budget time and would prefer not to hold phone interviews but would allow Skype interviews. Council member Beerman agreed with staggering and no phone calls. He then inquired about the Recreation Advisory Board members' resident requirement, inquiring if they should be allowed to finish their term even if they have moved out of the City. Council member Simpson stated that she felt that if the boards are spending money they need to be tax payers. Council member Henney agreed with staggering and no phone interviews as well as the active roster list. Mayor Thomas worried about the active roster list stating he felt it could preclude the rest of the community from applying. Harrington stated that the goal of an active roster is to add to community involvement. Council member Matsumoto discussed the wording on the Historic Preservation Board requirements of "at least 1" outside member of the community.

Staff will bring a manager's report back to Council next week clarifying the actual language in the code related to the HPB. Council concurred that the interview process will begin earlier in the year, staff will maintain the active roster incorporating Harrington's suggestions, as well as staggering the terms and discouraging the phone interviews.

Park City Chamber of Commerce | Convention & Visitors Bureau Winter 2014/2015 Preview

Bill Malone and Kathy Miller outlined the Summer Recap and what awaits for the Winter. Miller showed the Council the commercials that will be running on multiple networks in many cities as well as digital campaigns and magazine articles. Council thanked the Chamber for their hard work.

Regular Meeting

- I. **ROLL CALL-** Mayor Jack Thomas called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, November 20, 2014. Members in attendance were Jack Thomas, Andy Beerman, Dick Peek, Liza Simpson, Tim Henney and Cindy Matsumoto. Staff members present were Diane Foster, City Manager; Matt Dias, Assistant City Manager; Mark Harrington, City Attorney; Marci Heil, City Recorder;

Karen Anderson, Executive; Kirsten Whetstone, Planner; Tricia Lake, Assistant City Attorney.

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

There were no communications or disclosures from Council or staff.

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

Eric Nelson stated that he is here representing Karen Coleman who is ill and cannot attend tonight and has been having problems for 5 month regarding her property. Karen owns a piece of property at 555 Main as well as a 25x25 parcel behind the Main Street parcel. There is an encroachment by the City on the property due to the trash compactor unit as well as a sidewalk, sprinkling system as well as landscape maintenance. There is also a power transformer on city property which requires a 20 foot setback that encroaches onto her property 17 ½ feet. This piece of property would be ideal to add on 1500-2000 square feet of building space to her property. The piece of property in today's market would be worth \$400,000. They are requesting the City help resolve the issue with the power company so she can use this property.

IV. CONSIDERATION OF MINUTES FROM THE OCTOBER 30 AND NOVEMBER 13, 2014 COUNCIL MEETING

**Council member Beerman moved to approve the minutes
from the October 30 and November 13, 2014 City Council meetings
Council member Henney seconded
Approved unanimously**

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

1. Consideration of a Contract authorizing the City Manager to execute a Construction Agreement, in a form approved by the City Attorney, with Tunnel Radio of America Inc. for installation of Tunnel Communications Equipment in an amount of \$236,967.00
2. Consideration to authorize the City Manager to execute an agreement, in a form approved by the City Attorney, to assent to the assignment of the 1995, 1994, and 1987 water agreements to Vail

**Council member Simpson moved to approve the consent agenda
Council member Beerman seconded
Approved unanimously**

VI. NEW BUSINESS

1. Consideration of the 1185 Empire Avenue Plat Amendment located at 1185 Empire Avenue, Park City, Utah, pursuant to findings of fact, conclusions of law and conditions of approval in a form approved by the City Attorney.

Planner Whetstone stated that this item is amending the title of the current ordinance.

Mayor Thomas opened the public hearing. No comments were made. Mayor Thomas closed the hearing.

Council member Matsumoto moved to approve the 1185 Empire Avenue Plat Amendment located at 1185 Empire Avenue, Park City, Utah, pursuant to findings of fact, conclusions of law and conditions of approval in a form approved by the City Attorney

Council member Simpson seconded

Approved unanimously

2. Consideration of the Subdivision Plat Thayne's Creek Ranch Estates Phase II located at 510 Payday Drive, Park City, Utah, pursuant to findings of fact, conclusions of law and conditions of approval in a form approved by the City Attorney

Mayor Thomas opened the public hearing. No comments were made. Mayor Thomas closed the hearing.

Council member Peek moved to continue the Subdivision Plat Thayne's Creek Ranch Estates Phase II located at 510 Payday Drive, Park City, Utah to December 4, 2014

Council member Matsumoto seconded

Approved unanimously

3. Consideration of Land Management Code Amendments regarding 1) zoning regulations for Pet Service Uses in the General Commercial (GC) and Limited Industrial (LI) zoning districts, and associated definitions (Chapters 2.18, 2.19, and 15).

Planner Whetstone stated that staff is requesting minor amendments to the LMC regarding pet services and allowed uses. The planning commission reviewed the proposed changes and has forwarded a positive recommendation. Whetstone stated that Summit County has discussed the option of commercial kennels but the final draft minutes of the discussion have not been released, Whetstone inquired if the Council wanted to discuss the kennel option or wait to see what the County has decided as the City falls under the County's animal control ordinance. Council concurred skipping the kennel discussion at this time.

Mayor Thomas opened the public hearing. No comments were made. Mayor Thomas closed the hearing.

Council member Simpson moved to approve the Land Management Code Amendments regarding 1) zoning regulations for Pet Service Uses in the General Commercial (GC) and Limited Industrial (LI) zoning districts, and associated definitions (Chapters 2.18, 2.19, and 15).

Council member Beerman seconded

Approved unanimously

4. Consideration of an Ordinance Of Park City, Utah Repealing Municipal Code Of Park City Sections 8-6-1, 8-6-3, 8-6-4, And 8-6-5 Pertaining To Firearms; And Amending Municipal Code Of Park City Section 8-1-14 Pertaining To Firearms And Dangerous Weapons

Tricia Lake, Assistant City Attorney, stated that the City Attorney's office received a letter from the Second Amendment Foundation challenging Park City's code as it relates to State Law. After further review it was found that they City code did indeed need to be updated. Lake confirmed that the discharge ordinance will remain intact as it is consistent with State law.

Council member Peek moved to approve an Ordinance Of Park City, Utah Repealing Municipal Code Of Park City Sections 8-6-1, 8-6-3, 8-6-4, And 8-6-5 Pertaining To Firearms; And Amending Municipal Code Of Park City Section 8-1-14 Pertaining To Firearms And Dangerous Weapons

**Council member Henney seconded
Approved unanimously**

5. Consideration of a Service Agreement in support of the effort to encourage the State to improve transportation funding in a form approved by the City Attorney in the amount of \$2,000

Matt Dias, Assistant City Manager, stated that this coalition kicked off this week in Farmington along with a letter to the Mayor, municipalities will contribute 1/3 of the funding and the other 2/3 will be from private sectors.

Council member Beerman moved to approve the Service Agreement in support of the effort to encourage the State to improve transportation funding in a form approved by the City

Attorney in the amount of \$2,000

**Council member Simpson
Approved unanimously**

VII. ADJOURNMENT

Council member Simpson moved to adjourn the meeting

**Council member Henney seconded
Approved unanimously**

CLOSED SESSION MEMORANDUM

The City Council met in a closed session at approximately 2:00 p.m. Members in attendance were Mayor Jack Thomas, Andy Beerman, Dick Peek, Cindy Matsumoto and Tim Henney. Staff members present were; Diane Foster, City Manager, Mark Harrington, City Attorney; Matt Dias, Assistant City Manager; Tricia Lake, Assistant City Attorney/Prosecutor; Ann Ober, Community Relations; Clint McAfee, Water Manager; Heinrich Deters, Trails and Open Space; Tom Daley, Deputy City Attorney, Jim Blankenau, Sustainability. **Council member Beerman moved to close the meeting to discuss Property, Litigation and Personnel. Council member Simpson seconded. Motion carried.**

Council member Simpson moved to open the closed session. Council member Peek seconded. Motion carried

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

Marci Heil

Marci S. Heil, City Recorder





City Council Staff Report

Subject: Summit Land Conservancy Monitoring Contract Renewal
Author: Heinrich Deters; Trails and Open Space Program Manager
Department: Sustainability
Date: December 4, 2014
Type of Item: Administrative

Summary Recommendations:

Council should review and approve the renewal of the annual Summit Land Conservancy monitoring contract for \$30,391.58 (Attachment I)

Topic/Description:

Professional Service Contract Renewal

Background:

Since 2009, the City has contracted with Summit Land Conservancy (SLC) for annual monitoring services on City Open Space. Section 2 (Term) of the existing multi-year contract with Summit Land Conservancy provides for the ability to 'extend by mutual written agreement of the Parties.' The parties, PCMC and SLC, have agreed to this condition via email. The proposed contract notes a one-year term, ending December 31, 2015. Any expenditure above \$25,000 needs to be approved by City Council.

Analysis:

Providing for independent third party monitoring services on public open spaces is consistent with Council's goal of preserving and enhancing the natural environment.

In 2013-14, SLC expressed concern over the existing funding process represented by these contracts, as it is subject to budgetary and political subjectivity. During these discussions, Council reiterated their desire to fund monitoring, while staff and the Conservancy explore funding avenues, which will meet the long term stewardship goals of all parties. Furthermore, Council directed staff to ensure that any costs associated with future easements be included as part of the new transaction.

This renewal is the second extension of the multi-year monitoring contract that was awarded to Summit Land Conservancy in 2009. There is no cap on the number of extensions within the contract language. Costs associated with this contract extension are consistent with the previous agreement terms. SLC's monitoring costs are based on a flat fee of \$15.24/acre. SLC monitors approximately 2,000 acres of open space per this agreement.

Services provided include annual monitoring visits and ongoing reporting per Section 4 of the agreement, as well as, ongoing research and process of grantor requests, review of easement terms and investigation/notification of possible violations. Additionally, the

Conservancy and City staff meets formally once a month and correspond on a regular basis per ongoing items.

Department Review:

This report has been reviewed by City Manager, Sustainability and Legal.

Alternatives:

A. Approve the Request:

Authorize the City Manager to execute the renewal with Summit Land Conservancy in the amount of Thirty Thousand Three Hundred Ninety One Dollars and Fifty Eight Cents **(\$30,391.58)** **Staff's Recommendation.**

B. Deny the Request:

Without approval, annual monitoring by a third party may not be completed.

C. Continue the Item:

If the Council needs more information the item can be continued.

D. Do Nothing:

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

Significant Impacts:

None

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Accessible and world-class recreational facilities, parks and programs + Safe community that is walkable and bike-able			+ Well-maintained assets and infrastructure
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Very Positive 	(Select from List)	(Select from List)	Positive 
Comments:				

Recommendation:

Council should review and approve the renewal of the annual Summit Land Conservancy monitoring contract for \$30,391.58 (Attachment I)

(SERVICE PROVIDER)

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

THIS AGREEMENT is made and entered into in duplicate this ____ day of _____, 20____, by and between PARK CITY MUNICIPAL CORPORATION, a Utah municipal corporation, ("City"), and Summit Land Conservancy, a Utah not for profit organization ("Service Provider").

WITNESSETH:

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

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

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

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

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

1. SCOPE OF SERVICES.

The Service Provider shall perform such services and accomplish such tasks, including the furnishing of all materials and equipment necessary for full performance thereof, as are identified and designated as Service Provider responsibilities throughout this Agreement and as set forth in the "Scope of Services" attached hereto as "Exhibit A" and incorporated herein (the "Project"). Fees shall be calculated pursuant to the Fee Schedule, attached hereto and incorporated herein as "Exhibit B". The total fee shall not exceed **Thirty Thousand Three Hundred Ninety One Dollars and Fifty Eight Cents (\$30,391.58)**

2. TERM.

The term of this Agreement shall commence on the date of execution on this Agreement and shall terminate on **December 31, 2015**, unless extended by mutual written agreement of the Parties.

(SERVICE PROVIDER)

3. COMPENSATION AND METHOD OF PAYMENT.

- A. No payment shall be made for any service rendered by the Service Provider except for services identified and set forth in this Agreement.
- B. For all “extra” work the City requires, the City shall pay the Service Provider for work performed under this Agreement as subsequently agreed to by both parties in writing.
- C. The Service Provider shall submit to the City Manager or her designee on forms approved by the City Manager, an invoice for services rendered during the pay period. The City shall make payment to the Service Provider within thirty (30) days thereafter.

4. REPORTS AND INSPECTIONS.

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

5. INDEPENDENT CONTRACTOR RELATIONSHIP.

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

Park City Municipal Corporation Provider/Professional Services Agreement- (SERVICE PROVIDER)

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

6. SERVICE PROVIDER EMPLOYEE/AGENTS.

The City may at its sole discretion require the Service Provider to remove an employee(s), agent(s), or representative(s) from employment on this Project. The Service Provider may, however, employ that (those) individuals(s) on other non-City related projects.

7. HOLD HARMLESS INDEMNIFICATION.

A. The Service Provider shall indemnify and hold the City and its agents, employees, and officers, harmless from and shall process and defend at its own expense any and all claims, demands, suits, at law or equity, actions, penalties, losses, damages, or costs, of whatsoever kind or nature, brought against the City arising out of, in connection with, or incident to the execution of this Agreement and/or the Service Provider's defective performance or failure to perform any aspect of this Agreement; provided, however, that if such claims are caused by or result from the concurrent negligence of the City, its agents, employees, and officers, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Service Provider; and provided further, that nothing herein shall require the Service Provider to hold harmless or defend the City, its agents, employees and/or officers from any claims arising from the sole negligence of the City, its agents, employees, and/or officers. The Service Provider expressly agrees that the indemnification provided herein constitutes the Service Provider's limited waiver of immunity as an employer under Utah Code Section 34A-2-105; provided, however, this waiver shall apply only to the extent an employee of Service Provider claims or recovers compensation from the City for a loss or injury that Service Provider would be obligated to indemnify the City for under this Agreement. This limited waiver has been mutually negotiated by the parties, and is expressly made effective only for the purposes of this Agreement. The provisions of this section shall survive the expiration or termination of this Agreement.

B. Service Provider does hereby remise, release, forever discharge and covenant not to sue PARK CITY MUNICIPAL CORPORATION, its agents, servants, employees, officers, successors and assigns, and/or heirs, executors and administrators, and also any and all other persons, associations and corporations, whether herein named or referred to or not, and who, together with the above named, may be jointly and severally liable to the Service Provider, of and from any and all, and all manner of,

Park City Municipal Corporation Provider/Professional Services Agreement- (SERVICE PROVIDER)

actions and causes of action, rights, suits, covenants, contracts, agreements, judgments, claims and demands whatsoever in law or equity, including claims for contribution, arising from and by reason of any and all KNOWN AND UNKNOWN, FORESEEN AND UNFORESEEN bodily and personal injuries or death, damage to property, and the consequences thereof, which heretofore have been, and which hereafter may be sustained by the Service Provider or by any and all other persons, associations and corporations, whether herein named or referred to or not, from all liability arising out of, in connection with, or incident to the execution of this Agreement

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

8. INSURANCE.

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

9. TREATMENT OF ASSETS.

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

10. COMPLIANCE WITH LAWS.

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

Park City Municipal Corporation Provider/Professional Services Agreement- (SERVICE PROVIDER)

Verify, or equivalent program, for each new employee that is employed within Utah, unless exempted by Utah Code Ann. § 63G-11-103.

11. NONDISCRIMINATION.

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

12. ASSIGNMENTS/SUBCONTRACTING.

- A. The Service Provider shall not assign its performance under this Agreement or any portion of this Agreement without the written consent of the City, and it is further agreed that said consent must be sought in writing by the Service Provider not less than thirty (30) days prior to the date of any proposed assignment. The City reserves the right to reject without cause any such assignment.

Park City Municipal Corporation Provider/Professional Services Agreement- (SERVICE PROVIDER)

- B. Any work or services assigned hereunder shall be subject to each provision of this Agreement and property bidding procedures where applicable as set forth in local, state or federal statutes, ordinance and guidelines.
- C. Any technical/professional service subcontract not listed in this Agreement, must have express advance approval by the City.
- D. Each subcontractor that physically performs services within Utah shall submit an affidavit to the Service Provider stating that the subcontractor has used E-Verify, or equivalent program, to verify the employment status of each new employee, unless exempted by Utah Code Ann. 63G-11-103.

13. CHANGES.

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

14. MAINTENANCE AND INSPECTION OF RECORDS.

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

Park City Municipal Corporation Provider/Professional Services Agreement- (SERVICE PROVIDER)

15. POLITICAL ACTIVITY PROHIBITED.

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

16. PROHIBITED INTEREST.

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

17. MODIFICATIONS TO TASKS AND MISCELLANEOUS PROVISIONS.

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

18. TERMINATION.

- A. Either party may terminate this Agreement, in whole or in part, at any time, by at least thirty (30) days written notice to the other party. The Service Provider shall be paid its costs, including contract close-out costs, and profit on work performed up to the time of termination. The Service Provider shall promptly submit a termination claim to the City. If the Service Provider has any property in its possession belonging to the City, the Service Provider will account for the same, and dispose of it in a manner directed by the City.
- B. If the Service Provider fails to perform in the manner called for in this Agreement, or if the Service Provider fails to comply with any other provisions of the Agreement and fails to correct such noncompliance within three (3) days written notice thereof, the City may immediately terminate this Agreement for cause. Termination shall be effected by serving a notice of termination on the Service Provider setting forth the manner in which the Service Provider is in default. The Service Provider will only be paid for services performed in accordance with the manner of performance set forth in this Agreement.

Park City Municipal Corporation Provider/Professional Services Agreement- (SERVICE PROVIDER)

19. NOTICE.

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

20. ATTORNEYS FEES AND COSTS.

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

21. JURISDICTION AND VENUE.

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

22. SEVERABILITY.

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

Park City Municipal Corporation Provider/Professional Services Agreement- (SERVICE PROVIDER)

23. ENTIRE AGREEMENT.

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

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

PARK CITY MUNICIPAL CORPORATION

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

Diane Foster, City Manager

Attest:

City Recorder's Office

Approved as to form:

City Attorney's Office

Park City Municipal Corporation Provider/Professional Services Agreement- (SERVICE PROVIDER)

Summit Land Conservancy:

Name: Cheryl Fox

Address:

City/State/Zip:

Tax ID#: _____

PC Business License #: _____

Printed Name

Signature

Title

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

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

Notary Public

Park City Municipal Corporation Provider/Professional Services Agreement- (SERVICE PROVIDER)

EXHIBIT “A”

SCOPE OF SERVICES

I. Scope of Project

To monitor Park City’s existing conservation easement properties (see section B ‘Existing Open Space Properties’) to ensure compliance with easement terms and requirements.

A. Overview

1. Annual Monitoring Reports for existing City easements each year by December.
2. Annual meeting with City staff to review all monitoring projects.

B. Existing Open Space Properties

The parcels on which the conservation easements are held and will be monitored are as follows:

1. Round Valley

Location: Five Easements located East of Meadow’s Drive and Around the National Ability Center

Date Easements Signed: March 24, 2005.

Acreage: Approximately 689.66 acres.

Notes: This does not include the approximately 377 acres that Park City acquired from PRI & The Boyer Company on December 31, 2008.

2. UP&L

Location: Park Avenue and 9th Street, Park City

Date Easement Signed: March 24, 2005.

Acreage: .51 acres

3. Rail Trail

Location: East of Bonanza Drive, Park City

Date Easement Signed: March 24, 2005.

Acreage: 1.977 acres

4. Virginia Mining Claims

Location: On Rossi Hill, Park City Date Easement Signed: March 24, 2005.

Acreage: 13.3 acres

5. Richards Ranch

Location: West of Hwy 224 between PayDay Drive and Aspen Springs Drive, Park City

ProviderProfessionalServicesMINOR-3.29.13

Park City Municipal Corporation Provider/Professional Services Agreement- (SERVICE PROVIDER)

Date Easement Signed: March 24, 2005.

Acreage: approximately 19.74 acres

6. McPolin Farm

Location: West of Hwy 224, between Aspen Springs Drive & St. Mary's Catholic Church, Park City

Date Easement Signed: November 15, 2007.

Acreage: approximately 123 acres

7. Empire Easements/ Deer Valley Owned

Location: Two easements on Deer Valley Resort Property, Empire Canyon and Flagstaff area

Date Easement Signed: 2002

Acreage: approximately 885

8. Empire Easements/ Talisker Owned Location:

Prospect Ridge, Park City, North slope of Daly Canyon, West of King Road, Park City

Date Easement Signed: 2002 Acreage: approximately 64.75 acres on two parcels

9. Warren Mining Claims/ Talisker Owned

Location: Top of Iron Mountain, Park City

Date Easement Signed: 2002,

Acreage: approximately 105

10. Quarry/Clissold (City/County joint owners)

Location: Quarry Mountain, Park City

Date Easement Signed: June 15, 2010

Acreage: 183.7 (Half City obligation 92 acres)

EXHIBIT "B"

PAYMENT SCHEDULE FOR "EXTRA" WORK

Easement Monitoring & Annual Monitoring Report cost of \$15.24/acre

Total Easement Acreage for City: 1994.198

Acres (1994.198) X Cost/Acre (\$15.24) = \$30,391.58



City Council Staff Report

Subject: 2015 Annual Insurance Placements
Author: Marci Heil & Lisa L. Rogers
Department: Legal and Executive Departments
Date: December 4, 2014
Type of Item: Administrative

Summary Recommendations:

Staff recommends Council authorize the following annual insurance premiums to fund the City's insurance placements for calendar year 2015:

- 1. Public Entity Liability Insurance:** \$148,507.00 to fund the annual premium to States Self-Insurers Risk Retention Group, Inc. ("States") for General Liability, Employment Practices Liability, Automobile Liability, Law Enforcement Liability, Public Officials Errors and Omissions Liability, and Potable Water Treatment Operations;
- 2. Property and Boiler and Machinery Insurance:** \$174,198.00 to fund the annual premium to Affiliated FM ("Affiliated");
- 3. Workers Compensation Insurance:** \$206,462.19 to fund the annual premium for our Workers Compensation Fund ("WCF"); and
- 4. Cyber Liability Insurances:** \$39,672.00 to fund the annual premium to Beazley Insurance Co.

As a reminder, during the 2011 insurance renewal period, the City entered into a three-year (3) policy for Crime Insurance (Public Officials Employee Dishonesty), which is valid until December 31, 2015, and therefore not part of this year's renewal. The annual sum is \$3,600.00.

Topic/Description:

Renewing and updating Park City's annual insurance placements for calendar year 2015.

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 public services. City staff continues to promote and implement safety policies, procedures, prevention methodologies, and provides regular training so that risks are mitigated; this training has translated into cost savings for the City. Risk Management procedures also ensure that the city's assets, facilities and public property are protected, and that the employees, local residents, and tourists and visitors are provided a safe and enjoyable place to live, work and play.

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

Analysis:

Consistent with past practice, Moreton placed the City's Property, Boiler and Machinery, Workers Compensation Fund, and Cyber insurance out to bid. The following quotes and coverage limits were selected and deemed most beneficial to the City:

1. Public Entity Liability Insurance

Staff recommends renewing with States Self-Insurance Risk Retention Group with a premium of \$148,507.00 occurrence/aggregate policy, which includes renewing the Potable Water Treatment Operations that addresses the increased scope of the City's water operations and covers bodily injury, personal injury, or property damage arising directly or indirectly out of the sale and distribution of potable water by the Insured to others.

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.

2. Property, Boiler, and Machinery Insurance

Staff recommends renewing with Affiliated FM at a premium of \$174,198.00, resulting in \$123,707,907 policy limit. This reflects a premium increase of \$1,414.00 over the previous year. The primary cause of the increase is due to the remodel and additions expected at the Park City Library.

Affiliated FM is a "best-in-class" property insurer that distributes property insurance and engineering solutions through a network of partners. They value long-term partnerships that provide the realization of greater value by leveraging the skills of highly trained account engineers and production underwriters.

3. Workers Compensation Fund (WCF)

Staff recommends renewing our Worker Compensation Insurance at an annual premium of \$206,462.19. This reflects a considerable increase of \$34,801.06.

Though the increase is unfortunate, staff has little control over the annual increase this year, and has seen these costs ebb and flow over time given a variety of factors. One way staff has attempted to control these costs is the relatively new internal safety committee and risk management team, which are employee driven efforts to better educate staff on workplace safety, training, and prevention methods. Members of the committee include Water, Public Works, Transit, HR, Recreation, Engineering, and Executive, among others.

More specifically, this year's increase is driven primarily by an increase in the Worker's Compensation Experience Modification Factor (E-Mod), which increased from .88% in CY14 to an anticipated 1.04% for CY15 (17% increase). The E-Mod is based solely upon Park City's Worker's Compensation past claims experience using an average of the three, of the last four years of data. The City had high rates in its claims in the years of 2011 and 2012, which is hurting our average today.

In terms of how this compares to other municipalities of similar size, 1.04% is fairly moderate, particularly if you consider the level and complexity of services Park City provides compared to other jurisdictions with the same number of employees. For example, the average E-Mod is 1.00%. We are hoping to trend back down over the next several years as our high claims years fall off of our rolling average, and the City's proactive stance on safety programs begins to pay dividends.

Staff will request an \$18,000 budget increase for FY15 and a \$35,000 budget increase for FY16 during this year's budget process. The \$18,000 increase can be paid through the Self-Insurance Fund's fund balance, where the \$35,000 increase will most likely come from an increase from individual departmental contributions to Workers Compensation.

4. Cyber Liability

Staff recommends once again purchasing Cyber Liability insurance from Beazley Cyber for the annual premium of \$39,672. Cyber Liability insurance is becoming more relevant for organizations with sensitive information storage.

The Beazley liability premium provides the City with \$5,000,000 worth of coverage against Cyber Extortion; \$5,000,000 for Website Media; \$1,000,000 for Regulatory Action; \$500,000 for Crises Event Management; \$50,000 for PCI Fines and Cost. The IT Department confirmed the City should secure cyber insurance protection again.

Beazley is the parent company of specialist insurance businesses with operations in Europe, the US, Asia and Australia. Beazley manages five Lloyd's syndicates and, in 2012, underwrote gross premiums of \$1,895.9 million.

Department Review:

Staff and Moreton representatives reviewed the City's exposure and various options to protect the City in a responsible and appropriate manner. The Risk Management Team and the Legal Department consulted with various departments in order to obtain the most current, comprehensive city data (financial, payroll, fleet, transit, water, recreation, and safety programs), and discussed workers compensation insurance requirements with Human Resources, safety and training issues with the Emergency/Safety Manager, and Cyber with IT, in particular.

Alternatives:

Approve:

Approve the 2015 insurance placement premiums as presented.

Deny:

Not recommended; excluding the Crime Insurance, all other current insurance policies for the City will expire on December 31, 2014.

Continue the Item:

Continue the item and provide additional direction to staff. This alternative could, if prolonged, result in temporary lapses in the City's insurance coverage.

Do Nothing:

This is not recommended as stated under Deny Alternative.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?				+ Fiscally and legally sound + Well-maintained assets and infrastructure + Streamlined and flexible operating processes
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Neutral 	Neutral 	 Neutral 	Very Positive 
Comments:				

Funding Source:

Sufficient funding exists for the 2015 insurance premiums.

Consequences of not taking the recommended action:

All current insurance policies for the City (except one - Crime) will expire on December 31, 2014. A prolonged delay could result in a lapse in insurance coverage.

Recommendation:

Staff recommends Council authorize the following insurance premiums for the 2015 City insurance placements, including Public Entity, Property, Boiler and Machinery, Worker's Compensation, and Cyber that covers a one-year time period of January 1, 2015, to December 31, 2015.

City Council Staff Report



Subject: NATURAL RESOURCES DAMAGES
PROFESSIONAL SERVICES AGREEMENT –
AMENDMENT NO. 1

Author: Jim Blankenau, Environmental Regulatory Program Manager

Department: Sustainability

Date: December 4, 2014

Type of Item: Administrative

Summary Recommendation:

Staff recommends Council authorize the City Manager to execute the First Amendment to the Professional Services Agreement, in a form approved by the City Attorney, with URS Corporation for services related to the Natural Resource Damage aspects of the Richardson Flat Tailings Site OU4 (the Prospector Drain) Administrative Order on Consent (AOC) for an increase to the contract in an amount not to exceed \$21,450.

Topic/Description:

The contract amendment will allow staff to consult with URS Corporation, complete the required Assessment Plan, and meet the requirements of the Administrative Order on Consent (AOC) with EPA and the Natural Resource Trustees (BLM, Fish & Wildlife Service, and the State of Utah) related to the Natural Resource Damage aspects of the Richardson Flat Tailings Site OU4 (the Prospector Drain) AOC.

Background:

On August 15, 2013, the City Manager executed a Professional Services Agreement Minor, in an amount of \$49,500.00, with URS Engineers to provide services related to the Natural Resource Damage aspects of the Richardson Flat Tailings Site OU4 (the Prospector Drain) AOC.

As part of the AOC, PCMC is required to evaluate potential injury to natural resources caused by the Prospector Drain discharge. This evaluation, or assessment, is authorized under CERCLA and regulations promulgated by the Department of the Interior. PCMC requires an experienced professional to prepare an Assessment Plan as required by the AOC and DOI regulations. This is an area of special expertise and the field of experience consultants is relatively small. Park City obtained cost estimates from URS Corporation and Cardno-Entrix to prepare the Assessment Plan. URS was selected based on a lower cost estimate and significantly lower hourly rates.

URS submitted change orders in February and April of 2014 for the amounts of \$5,800 and \$4,100, respectively. These amounts were below the City policy of 20% of the original contract amount and were approved by staff. The initial change orders were for additional meetings and research required by the Trustees prior to submittal of the draft Assessment plan.

URS prepared a draft Assessment Plan and the plan was submitted to the Trustees on July 9, 2014. The Trustees provided comments on the draft Assessment Plan on September 19, 2014.

Upon review of the Trustee comments on the draft Assessment Plan following additional tasks are needed to complete and finalize the Assessment Plan. The additional tasks are described in the next section.

Analysis:

Proposed Amendment to the PSA. Proposed Amendment No. 1 captures additional costs in the amount of \$21,450. This is in addition to the \$9,900 of previously approved administrative change orders. Therefore, the total contract amount will be for \$80,850 and recognizes the following incremental scope:

- Response to Comments: a written response will be prepared to address each Trustee comment; a Preliminary Estimate of Service Loss will also be included;
- Finalize Draft Assessment Plan: one round of revisions will be made the draft Assessment Plan to reflect Trustee comments and associated responses; and,
- Communications: up to two internal teleconference meetings between URS and Park City and up to three teleconference meetings with Trustee participation will be conducted to discuss the Trustee comments.

The attached Amendment No. 1, Exhibit A, provides additional information and detailed costs for the above items. Staff feels that these fees are usual and customary with projects of this type, scope, and complexity.

Future NRDA Consulting Needs. Once the Assessment Plan is complete and approved by the Trustees, Staff anticipates issuing a request for qualifications with an appropriate professional services agreement for the work to implement the Assessment Plan.

Department Review:

This report has been reviewed by representatives of Sustainability, Legal, and the City Manager's Office and their comments have been integrated into this report.

Alternatives:

A. Approve the Request:

Council could authorize the City Manager to execute the First Addendum to the Professional Services Agreement, in a form approved by the City Attorney, with URS Corporation, for services related to the Natural Resource Damage aspects of the Richardson Flat Tailings Site OU4 (the Prospector Drain) AOC in an amount not to exceed \$21,450. **(Staff's recommendation)**

B. Deny the Request:

Council could deny the request for the agreement, this would not allow to staff to move forward with the Natural Resource Damages aspects of the AOC.

C. Continue the Item:

Council could continue the request for either or both agreements. The Natural Resource Trustees (BLM, FWS and Utah) expect PCMC to complete the Natural Resource Damage Assessment Plan this winter.

D. Do Nothing:

Staff does not recommend this alternative. Doing nothing would have the same effect as denying the item.

Significant Impacts:

	Preserving & Enhancing the Natural Environment (Environmental Impact)	Responsive, Cutting- Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Managed natural resources balancing ecosystem needs + Economically and environmentally feasible soil disposal	+ Fiscally and legally sound + Engaged, capable workforce + Engaged and informed citizenry + Streamlined and flexible operating processes + Ease of access to desired information for citizens and visitors
Assessment of Overall Impact on Council Priority (<i>Quality of Life Impact</i>)	Very Positive 	Positive 
Comments:		

Funding Source:

There are currently environmental cleanup funds within the adopted Capital Improvement Plan (CIP) for this project. Initial costs will be for the completion of the Engineering Evaluation/Cost Analysis (EE/CA). Staff expects additional funds may be needed for the Natural Resource Damages aspect of the AOC and the CIP is expected to be adjusted as part of the regular prioritization process.

Consequences of not taking the recommended action:

Park City would not have the technical expertise to meet the requirements of the Natural Resource Damages aspects of the AOC. The AOC includes penalties for noncompliance.

Recommendation:

Staff recommends Council authorize the City Manager to execute the first Amendment to the Professional Services Agreement, in a form approved by the City Attorney, with URS Corporation for services related to the Natural Resource Damage aspects of the Richardson Flat Tailings Site OU4 (the Prospector Drain) Administrative Order on Consent (AOC) for an increase to the contract in an amount not to exceed \$21,450.

EXHIBIT A: Natural Resource Damages Assessment Plan PSA
URS Corporation, Amendment No. 1, Scope of Services

EXHIBIT A
Natural Resource Damages Assessment Plan PSA
URS Corporation, Amendment No. 1
Scope of Services

The purpose of this Addendum No. 1 is to address additions to the scope of services as described below.

Scope Additions:

Task 1 - Response to Comments

Comments provided by the Trustees regarding the draft Assessment Plan will be addressed individually. This effort will include further evaluation of existing data pertaining to OU4, including sediment, surface water, and ground water data, summarizing existing data as requested by the Trustees, and developing a human health conceptual site model to synthesize data into a technical response to comments document. The response to comments will be provided to Park City for review. One round of revisions to the document will be made following the review of Park City. To further illustrate the technical application of the proposed assessment approach a Preliminary Estimate of Service Loss will be provided to the Trustees. Based on the Trustee comments regarding the draft Assessment Plan, this document should provide more substantial technical backing to support the approach described in the draft Assessment Plan.

Task 2 - Finalize Draft Assessment Plan

The original SOW and subsequent authorizations for development of the draft Assessment Plan anticipated a general framework-level Plan to guide the three major steps of the assessment process (i.e., injury determination, injury quantification, and damage determination and restoration). To reduce the level of effort involved in revising and finalizing the draft Assessment Plan, routine communications with Park City and the Trustees were anticipated. Although the anticipated level of communications were exceeded, based on the Trustee comments provided on September 17, 2014, substantial revision to the draft Assessment Plan will be necessary. Many of the revisions requested by the Trustees are not consistent with written concurrence regarding several elements of the assessment approach that was provided by the Trustees on February 18, 2014. An estimated level of effort is provided to address Trustee comments as part of the Task 1 response and finalize the draft Assessment Plan.

Task 3 - Communications

It is expected that two teleconference meetings with Park City will be necessary during project development. Based on feedback provided by the Trustees to date, and their level of involvement in the development of the draft Assessment Plan, it is anticipated that up to three additional teleconference meetings with Trustee involvement may be necessary. To address these anticipated efforts, additional time/budget for meeting time, preparation of meeting materials, and preparation of summary meeting minutes has been included.



City Council Staff Report

PLANNING DEPARTMENT

Subject: Thaynes Creek Ranch Estates Phase II
Date: December 4, 2014
Author: Kirsten Whetstone, Senior Planner
Project Number: PL-14-02427
Type of Item: Subdivision plat

Summary Recommendations

Staff recommends the City Council conduct a public hearing, consider any input, discuss the proposed plat, and consider approving the Thaynes Creek Ranch Estates Phase II subdivision plat based on the findings of fact, conclusions of law, and conditions of approval as stated in the attached Ordinance.

Staff requests specific discussion regarding the following two items discussed in the applicant's letter (Exhibit J):

- Location of the no-build zone on Lot 7
- Building Height and Floor Area restrictions for Lot 7

Description

Project Name: Thaynes Creek Ranch Estates Phase II
Applicant: Franklin D. Richards Jr. Family Trust, owner
Representative: Alliance Engineering
Location: 510 Payday Drive
Zoning: Single Family (SF)
Neighboring Land Uses: Single family residential subdivisions of Thaynes Canyon, Thaynes Creek Ranch, Iron Canyon, Aspen Springs; dedicated City open space west of SR 224; and Rotary Park

Proposal

This is a request for approval of a final subdivision plat application for the second and final phase of the Thaynes Creek Ranch Estates subdivision. This phase consists of three (3) single family lots and one (1) non-residential parcel on approximately 9.28 acres. The lots are consistent with the preliminary plat approved with the Richards/PCMC Annexation. All lots have frontage on and will access Country Lane, an existing private street platted with the first phase of Thaynes Creek Ranch Estates subdivision (see Exhibit A- proposed subdivision plat).

Discussion requested

Staff requests specific discussion on two topics, namely, 1) no build zone location for Lot 7 and 2) building height and footprint restrictions for Lot 7 as further described below and per the Planning Commission recommendation (see Exhibit I) and applicant's request (Exhibit J- Applicant's letter and Lot 7 site plan).

On October 22, 2014, the Planning Commission conducted a public hearing and voted unanimously to forward a positive recommendation to City Council. At the meeting the Commission, Staff, and the Applicant discussed the location of the no-build zone for Lot 7. The Applicant requested the Commission consider allowing the no-build zone to be 300' as measured from the north property line.

The plat submitted with the application (Exhibit A1) indicated a no-build area identified as the northern 336' of Lot 7. The applicant now believes they submitted this in error as the minutes seem to confirm that the no-build zone was identified during the annexation hearings as the northern 250' of the property. The applicant is now requesting a no-build zone of 250' (Exhibit A2).

Staff recommends as a compromise a no-build zone of 300' as measured from the north property line. This allows flexibility in locating the barn to protect the view corridors of adjacent lots in Aspen Springs, as well as views from Highway 224.

Staff provided the Commission with minutes of all the previous meetings, including the annexation hearings (Exhibit H) and upon closer review Staff believes that the 250' figure was stated by both the Planning Commission (January 9, 2013) in the final motion and by the Council (at the January 31, 2013 annexation meeting). The Planning Commission had recommended that the 250' be identified as a Recreation Open Space (ROS) zone line and the Council's final action identified the 250' as a no-build zone, with the entire lot in the Single Family zoning district (Exhibit H).

On October 22, 2014, the Planning Commission reviewed the plat submitted by the applicant (Exhibit A1) showing the 336' no-build area, the minutes of the previous Commission and Council meetings that make reference to a 250' no-build (or ROS Zoned) area, and the preliminary plat (Exhibit C) that appears to shows a no-build line on Lot 7 that measures approximately 336' from the north property line.

The following is an excerpt from the October 22, 2014 minutes:

Chair Pro Tem Strachan moved to forward a POSITIVE recommendation to the City Council based on the Findings of Fact, Conclusions of Law and Conditions of Approval as contained in the draft ordinance, with specific reference to Exhibit C on page 91 of the Staff report as indicating the no-build zone for Lot 7. Commissioner Phillips seconded the motion.

Commissioner Campbell did not believe the motion expressed their lack of clarity on the 250' issue (*the no-build zone issue*). Council Member Simpson stated that she understood the confusion; however,

she was unsure where they would find clarity. She suggested that they amend the motion to ask the City Council to make a final determination on where the line should be; or the request could come from Staff. Ms. Simpson assured the Planning Commission that she would remember this discussion when the City Council has their discussion. Council Member Simpson questioned whether or not the motion needed to be that specific.

Chair Pro Tem Strachan amended his motion to say that the Planning Commission would leave it to the City Council to determine where the no-build line should be on Exhibit C on page 91. Commissioner Phillips seconded the amendment to the motion.

VOTE: The motion passed unanimously.

The applicant has submitted a letter explaining his understanding of the no-build area and a proposed amended plat (Exhibit A2) showing both a 250' and a 336' no-build area for comparison, as well as a site plan for Lot 7. Because there is a 20' sewer easement along the western boundary of Lot 7 and a significant area of wetlands, plus a 50' no-build buffer area around the wetlands, on much of Lot 7, the difference between a 336' and a 250' "no-build" line yields an additional 4,300 sf (86' by 50') of area within which to locate the barn. This will allow additional flexibility in terms of locating the barn to protect the entry corridor

The applicant is requesting the 250' no-build area and based on the record, staff recommends the no build area on Lot 7 be identified on the plat as the northern most 300' of the lot. **Discussion requested.**

Does the Council concur with the Staff recommendation of a no-build zone of 300' for the northern most portion of Lot 7? If not, the Council should discuss the record and make a determination as to the no-build on Lot 7 and amend Condition #32 of the Ordinance accordingly.

The applicant also requests (Exhibit J) an additional 2' of building height for Lot 7 from a maximum of 28' (23' plus 5' for a pitched roof) to a maximum of 30' (25' plus 5 for a pitched roof). Staff does not recommend the building height be changed from the heights identified for these lots during the Annexation and preliminary plat approvals and as recommended by the Planning Commission. This lot was identified as the most visible from the entry corridor and is located at the high point of the property. For these reasons, the height was restricted to a maximum of 28' and Staff does not recommend additional height. Staff and the Planning Commission conditioned approval of this subdivision regarding building height as stated in Condition #26. **Discussion requested.**

The applicant also requests an increase in the building footprint for Lot 7 from 4,900 sf to 6,200 sf in exchange for further restrictions of the second story. Staff does not recommend increasing the footprint from the 4,900 sf that was determined at the

time of the Annexation, due to concerns with the visibility of this lot from the Highway 224 corridor, as well as the topography of the lot, concerns regarding an increase in the mass of the main floor, and neighborhood compatibility. Staff and the Planning Commission conditioned approval of this subdivision regarding building footprint as stated in Condition #24. **Discussion requested.**

Background

On February 7, 2012, the applicant filed an annexation petition with the City Recorder for annexation of two parcels currently within the jurisdiction of Summit County and completely surrounded by properties within the Park City municipal boundaries (see Exhibit B- vicinity map). The Richards/PCMC Annexation consisted of the 13.75 acre Richard's parcel zoned Single Family (SF) and the 19.74 PCMC parcel zoned Recreation Open Space (ROS). The Annexation was approved by City Council on January 31, 2013 and was certified by the State for recordation at Summit County on March 22, 2013. Conditions of the Annexation Agreement (Exhibit C) continue to apply to this subdivision plat application. A seven lot preliminary subdivision plat was approved with the Annexation (Exhibit D).

On June 17, 2013, an application for a final subdivision plat for the first four lots was submitted to the Planning Department. The subdivision plat, known as Thayne's Creek Ranch Estates Phase One Subdivision, was approved by City Council on October 3, 2013. The subdivision plat was recorded at Summit County on December 19, 2013 (Exhibit E- Thayne's Creek Ranch Estates Phase I Subdivision plat).

On July 9, 2014, an application for a final subdivision plat for the Thaynes Creek Ranch Estates Phase II was submitted to the Planning Department (see Exhibit A). The application for the final three lots was determined to be complete on July 21, 2014.

On September 24, 2014 the Planning Commission discussed the application, conducted a public hearing and continued the item to October 22, 2014 to allow time for a site visit and for staff consideration and analysis of amendments requested by the applicant. The Planning Commission also requested the minutes of previous meetings to determine how the "no-build" zone on Lot 7 was determined at the time of the annexation and preliminary plat review. Staff determined the no-build zone on the preliminary plat was approved at the time of the Annexation (Exhibit H- minutes).

Minutes of the January 9, 2013, Planning Commission meeting and minutes of the January 31, 2013, City Council meeting both refer to a 250' no build zone. The preliminary plat recorded at Summit County with the annexation agreement seems to indicate a no-build zone line but does not show a dimension. Staff reviewed the recorded version of Exhibit C at the Summit County website (recording #967796) but was unable to make a final determination as to the dimension of the no-build on the preliminary plat due to the poor quality of the scan.

Staff believes that the location of the line at the 336' mark from then north property line coincides with the discussion that followed the Planning Commission vote and this might have been measured erroneously as 250' when in fact it was actually the 336' that was identified on the final subdivision plat when submitted with the application.

The location of the line appears to be consistent with the 336' line (Exhibit C) that the applicant initially submitted with this subdivision application (Exhibit A). In any case, the Council minutes indicate that the Council retained flexibility as to location of houses and barns at the time of the final plat.

On October 22, 2014, the Planning Commission conducted a public hearing, discussed the proposed subdivision, and voted unanimously to forward a positive recommendation to City Council, with a recommendation that the Council decide the location of the no-build area on Lot 7. Prior to October 22, 2014 meeting the Planning Commission visited the site and saw the 336' no-build zone location for Lot 7, as well as the 300' no-build zone previously requested by the applicant (current request is for a 250' no-build zone).

Purpose

The purpose of the Single Family SF District is to:

- (A) Maintain existing predominately Single Family detached residential neighborhoods,
- (B) Allow for Single Family Development Compatible with existing Developments,
- (C) Maintain the character of mountain resort neighborhoods with Compatible residential design; and
- (D) Require Streetscape design that minimizes impacts on existing residents and reduces architectural impacts of the automobile.

Description

The owner of the Richards Parcel, The Franklin D. Richards Jr. Family Trust, represented by Mr. Frank Richards, is seeking a three lot single family subdivision on 9.28 acres as the second and final phase of a seven (7) residential lot single family equestrian subdivision on a total of 13.75 acres. The existing house and guest house are located on Lot 5, along with several out buildings. Lots 6 and 7 are vacant single family development lots. Lot 8 is identified as a non-residential parcel that is to be a commonly owned parcel for an existing riding arena. The total density for the entire project is seven (7) residential lots on 13.75 acres (0.51 units per acre). The SF zone allows up to 3 units per acre. The riding arena parcel has no density assigned or allowed.

Analysis

Land Use and Density

The current application consists of three (3) single family lots on approximately nine (9) acres; a non-residential parcel for the existing riding arena; and various easements for utilities, water conveyance, snow storage, and access, including the access easement for an adjacent property owner to gain access to Payday Drive. The private street, Country Lane, is not part of this plat as it was platted with Phase One.

The proposed plat includes plat notes addressing conditions of approval consistent with the Richards/PCMC Annexation, the preliminary plat and the Phase One plat. Lot 5 is 2.70 acres, Lot 6 is 2.73 acres, and Lot 7 is 3.21 acres. The non-residential lot, Lot 8, is 0.64 acres. Staff recommends a condition of approval that Parcel 8 be clearly noted as a non-residential parcel.

No commercial density is proposed or allowed per the zoning. Nightly rentals are not an allowed or conditional use within the Single Family (SF) zoning district.

Single Family (SF) zoning allows up to three (3) units per acre. The proposed density of this phase is 0.35 units per acre (not including Parcel 8). Overall density for the two phases is 0.51 units per acre (7 lots on 13.75 acres). Overall density is consistent with the overall density in the surrounding neighborhoods of Thayne's Canyon, Iron Mountain, and Aspen Springs, as reviewed at the time of the Annexation.

Staff recommends a condition of approval and plat notes stating that no further subdivision of the lots is permitted, only one single family dwelling, including a garage, and a detached barn, may be constructed on each of Lots 6 and 7, and no human occupation of the barns is allowed. Accessory apartments are permitted in the SF zone, subject to requirements of LMC Chapter 15-4, however accessory apartments are not permitted within the barns.

Lot 5 contains an existing single family house and garage, a guest house and garage, and three out buildings (a storage shed and two barns), including an existing caretakers apartment. These structures may remain. The guest house and storage shed are located on the western perimeter property line and have non-conforming setbacks. The structures were built in the 70s under Summit County regulations. Staff recommends a condition of approval that if either of these structures is demolished or added on to that all new construction shall meet the setbacks of the LMC in effect at the time of building permit application for the new construction.

The Applicant has satisfied the affordable housing requirement by paying a fee in-lieu, as approved by the Park City Housing Authority, to satisfy the required 0.9 AUE (810 sf). The fee was paid to the City prior to issuance of building

permits for two lots under construction in Phase One.

The proposed lots are sufficient in area to allow horses, as permitted by the SF zoning district. The SF district allows a maximum of 2 horses per acre. The Annexation Agreement permitted an owner to submit an administrative Conditional Use Permit for raising and grazing of horses on these lots with review by the Planning Director. An animal management plan is required to be submitted with an administrative Conditional Use Permit application prior to commencing the raising and grazing of horses. Barns are required to be a minimum of 75' from any residential dwelling unit. Administrative CUPs require notice to adjacent neighbors prior to approval.

Character and Development of adjacent property

Surrounding land uses include dedicated open space; Highway 224; single family subdivisions of Thaynes Creek Ranch and Thaynes Canyon, Iron Canyon, and Aspen Springs; and Rotary Park. The character of development on adjacent properties is generally single family homes on lots ranging from 0.3 acres to 5 acres, with both smaller and larger lots within the established neighborhoods. Staff provided an analysis of the Lot and house/footprint size comparison in the surrounding area at the time of the Annexation (see Exhibit E).

Maximum building footprint

The plat identifies maximum building footprints for the proposed Lots, consistent with the preliminary plat. Maximum footprint proposed for Lots 5, 6, and 7 is 4,900 square feet. Consistent with lots in the immediate neighborhood on the north side of Payday Drive, the CCRs and plat include language restricting the floor area of the upper floor to 60% of the floor area of the main floor. The garage area is included within the proposed building footprint. The preliminary plat called for maximum building height of 30' (25' plus 5' for pitched roof) for Lots 5 and 6 and 28' (23' plus 5' for pitched roof) for Lot 7. The plat identifies a separate maximum building footprint of 1,800 square feet for barns located on Lots 6 and 7. Lot 5 already includes a house, guest house, caretaker's apartment, garages, storage shed, and two barns. Barns are allowed a building height of 18' for pitched roof.

Maximum Limits of Disturbance and Irrigated Area

The proposed plat identifies maximum disturbance areas for finished irrigated landscaping (excluding pasture areas that may be irrigated with private irrigation shares) and total disturbance area (LOD) for building and barn footprints, paved driveways, patios and other hardscape, and irrigated finished landscaping.

Maximum LOD area (including house and barn footprints, paved driveways, patios and other hardscape, and irrigated landscaping) for Lots 5, 6 and 7 is restricted to a maximum of 45% of the Lot Area, consistent with the preliminary plat and the plat for the first phase. Area necessary for utility installation is excluded from the maximum LOD area calculation and if utility installation is within the pasture areas it shall be re-vegetated with like pasture vegetation.

Designated “no-building zones” and wetland buffer areas shall not be impacted or disturbed by construction activities, with the exception of approved utilities, irrigation facilities, and fence installations and repairs. Use of these areas by horses is subject to an Administrative Conditional Use permit and Animal Management Plan.

Maximum irrigated area for Lots 6 and 7 is proposed at 12,000 square feet per the preliminary plat, which is consistent with the irrigated area allowed on Lots 1 and 2 of the first phase. All landscaped areas must comply with the City’s Landscape Ordinance (LMC Section 5-5-M). Staff recommends that finished landscaping and patio areas shall generally be located within twenty-five feet of the house foundation and, if desired, within ten feet of the barn foundation.

Pasture areas are only permitted to be irrigated using the private water shares purchased with each lot. Finished landscape may be irrigated using private water shares, however the full water impact fees for the total finished landscape area is required to be paid at the time of the building permit, per requirements of the Water Agreement. Staff also recommends that shrubs and trees, such as cottonwoods, aspens, willows, and fruit trees be permitted within the pasture areas, subject to irrigation using private water shares.

Lot 6 includes a platted no-build area that consists of the easterly eighty (80’) feet of the lot. The construction of a barn and house must be located west of the no build area. There is an existing hay barn on Lot 6 located within the no-build area that may remain. The initial plat submitted by the applicant showed a 336’ platted no-build zone on the northern most portion of Lot 7 (Exhibit A1). The applicant is now requesting a 250’ no-build zone for Lot 7 (Exhibit A2). Staff recommends a compromise of a 300’ no-build zone as discussed above.

Maximum LOD area (including building and barn footprints, paved driveways, patios and hardscape, and all finished irrigated landscaping) for Lots 6 and 7 is restricted to 45% of the Lot Area. No new construction is permitted within the no-build area or within the wetland buffer areas.

Access

Access to the Richards property is from Payday Drive at the existing driveway to the Richards farm at 510 Payday Drive. Lots 5, 6, and 7 have frontage on Country Lane, a private street platted with the Phase One plat. Each lot is allowed a maximum driveway width of fifteen feet, measured at the property line with Country Lane. Each driveway may widen as it approaches the garage. Overall driveway lengths shall be minimized to the greatest extent possible in order to locate building pads for Lots 6 and 7 as far west and south as possible.

Roads and Utilities

Country Lane provides access to Lots 5, 6 and 7. This private street was platted with the first phase and has been constructed in the location of the driveway to

the Richards property.

A 20' sanitary sewer access easement is identified within the ROW area for Country Lane connecting to Payday Drive ROW. Additional public and private utility and water conveyance easements are identified on the plat along property lines.

No new City (public) roads will be constructed, expanded or maintained and the developer will pay for required utility services, including power, sewer and water. Prior to issuance of permits, the required impact fees, such as the water, sewer hook-up, and parkland fees, will be collected according to the fee schedule in effect at the time of building permit application. Country Lane will be privately owned and maintained and is constructed with a fire district approved turn-around and all required fire hydrants.

The property is subject to an Annexation Agreement that addresses the provision of private water rights for irrigation of the pasture areas on individual lots as well as requirements for water impact fees for development of each lot, as provided in the Water Agreement.

A final utility plan will be submitted by the applicant for approval by the City Engineer, as a condition precedent to recordation of the final subdivision plat (Exhibit F). Sewer service is provided by Snyderville Basin Water Reclamation District (SBWRD) who shall approve the sewer utility plan and plat prior to recordation. A line extension agreement with SBWRD to extend sewer to the Property is the applicant's responsibility and shall occur prior to recordation of the final subdivision plat.

Appropriate guarantees for all public improvements associated with development on this property, including sidewalks and landscaping within the public ROW are required prior to issuance of any building permits. Fire hydrant locations will need to be addressed to the satisfaction of the City Engineer and Fire Marshall.

Affordable Housing

Consistent with the Annexation Agreement, affordable housing has been addressed, as set forth in the Park City Affordable Housing resolution in effect at the time of the application. Based on six new dwelling units within the entire subdivision, the affordable housing requirement is 0.9 AUE. The applicant satisfied the entire affordable housing obligation by paying in-lieu fees prior to issuance of the first building permit as allowed by the Park City Housing Authority.

Environmental

Wetland areas have been officially delineated (mapping was reviewed during the annexation). The plat identifies the 50' wetlands protection buffer area on Lots 5, 6, 7, and 8. No structures or construction are permitted in these buffer areas.

The easterly eighty (80') of Lot 6 and the northern most three hundred (300') of Lot 7, the areas adjacent to the City's open space parcels along Highway 224, are recommended by Staff as a "no building zone" to protect the integrity of the City's Open Space areas adjacent to the subdivision. There are no steep or very steep slopes as the property is relatively flat with an overall slope of less than 15%. Proposed development is outside of the Entry Corridor Protection Overlay area and the property is not within the Park City Soils Ordinance boundary.

Irrigation ditches flow through the property and easements are provided on the plat to ensure that downstream users have access to their water rights. All use and conveyance of irrigation water is subject to the approved Water Agreement, to be signed and executed prior to recordation of the final plat. will be protected from development consistent with the Annexation Agreement.

Fencing

The proposed fencing plan is consistent with the preliminary plat and Annexation Agreement (Exhibit G). White fencing consistent with the existing perimeter fence will be installed to delineate to property lines for each of the lots, as well as within Lots 5, 6, and 7 to create secure areas for horses, if desired.

Annexation Agreement

The Annexation Agreement states that the maximum density of the Richard's Parcel (final subdivision) is seven (7) lots. Lots may not be subdivided to increase the density of the subdivision. Each lot may be developed with only one dwelling unit and one barn, with the exception of Lot 5 that includes an existing guest house, storage shed, caretaker's apartment, garages, and two barns.

Plat notes restrict barns to agricultural uses only and state that barns are not for the use of living area for human occupation. The Annexation Agreement notes that a fencing plan will be provided with the final plat and that maximum building footprint for houses and barns, and limits of disturbances areas for driveways, patios, and landscaping will be identified with the final subdivision plat.

The final plat, as conditioned, is consistent with the Annexation Agreement and approved preliminary plat regarding maximum building footprint and driveway/patio areas; maximum irrigated areas; location of barns and no-build areas; fencing; lot sizes; and general layout.

The required maintenance and condition of all pasture areas (irrigation, weeding, fertilizing, etc.) and the design of the barns shall be described in the CCRs with enforcement by the HOA. Barns are required to be separated from homes by a minimum of 75 feet. A note shall be included on the final plat indicating that barns shall be designed to be architecturally compatible with the house on the same lot, including architectural design, materials, colors, and character.

Zoning

Zoning for the property is Single Family (SF) and the property is subject to the Richards/PCMC Annexation Agreement and Land Management Code (LMC). The following is an analysis of the proposed plat per requirements of the Annexation Agreement and LMC:

	Permitted SF zone	Proposed
Height	Zone height is 28' plus 5' for a pitched roof.	Lots 5 and 6- maximum building height of 30' (25' plus 5' for a pitched roof) per preliminary plat. Lot 7- maximum building height of 28' (23' plus 5' for pitched roof). Barns are allowed at 18' for pitched roof. Per preliminary plat.
Front setback	20' (25' to front facing garage)	Minimum of 20' (25' for front facing garages)
Rear setback	15'	Minimum of 15' (80' if subject to a "no-building zone" on Lot 6 and 300' if subject to a "no- building zone" on Lot 7). Existing shed and guest house on Lot 5 have 1'-3' rear setbacks and exist as non-complying structures with regard to the rear setback.) No further setback is required from the no-build area.
Side setbacks	12'	Minimum of 12'
Density	Three (3) dwelling units per acre.	Three dwelling units on 8.64 acres (0.35 units per acre not including Lot 8 and 0.32 units per acre including Lot 8).
Maximum footprint	No maximum stated in zone.	4,900 sf for Lots 5, 6, and 7- including house and garage. 1,800 sf for each barn on Lots 6 and 7 (Lot 6 includes an existing 1,585 sf hay barn that may remain). Lot 5 also includes an

		existing house, guest house and garage (1,398 sf), a shed that includes a caretaker's apartment (2,349 sf), and two barns (2,203 sf and 1,690 sf) that may remain.
Parking	Minimum of 2 parking spaces per dwelling unit.	2 parking spaces per dwelling unit.

Department Review

The application has been reviewed by the Development Review Committee. No additional issues were raised beyond those addressed by revisions to the plat and as recommended as conditions of approval.

Alternatives

- The City Council may approve the Thaynes Creek Ranch Estates Phase II subdivision plat as conditioned or amended, or
- The City Council may deny the subdivision plat and direct staff to make findings for this decision, or
- The City Council may continue discussion and action on the subdivision plat to a future date and request specific information needed to be able to take final action on the plat.

Notice

On September 9, 2014, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was published in the Park Record on September 6, 2014.

Public Input

Staff received two phone calls requesting additional information regarding the plat and location of future houses. Public input was provided at the October 22, 2014, Planning Commission meeting regarding the location of the no-build zone on Lot 7 and a concern about the location of a barn on that lot with respect to his adjacent Lot in Aspen Springs.

Good Cause

There is good cause for this subdivision plat in that it creates legal lots of record from metes and bounds described parcels; memorializes and expands utility easements and provides for new utility easements for orderly provision of utilities; provides access easements for adjacent properties; provides no build setbacks for protection of the City's Open Space, and is consistent with the approved Richards/PCMC Annexation Agreement and preliminary subdivision plat.

Future Process

Approval of this subdivision by the City Council would constitute Final Action that

may be appealed following the procedures found in LMC 15-1-18.

Summary Recommendations

Staff recommends the City Council conduct a public hearing, consider any input, discuss the proposed plat, and consider approving the Thaynes Creek Ranch Estates Phase II subdivision plat based on the findings of fact, conclusions of law, and conditions of approval as stated in the attached Ordinance.

Exhibits

Ordinance

Exhibit A1- Proposed Subdivision plat (as reviewed by the Planning Commission)

Exhibit A2- Proposed Subdivision plat (showing 250' and 336' no build for Lot 7)

Exhibit B- Aerial Vicinity Map

Exhibit C- Annexation Agreement

Exhibit D- Preliminary Subdivision plat

Exhibit E- Surrounding lot comparison

Exhibit F- Utility plan

Exhibit G- Fencing plan

Exhibit H- Minutes of previous Planning Commission and City Council meetings

Exhibit I- Minutes of October 22, 2014 Planning Commission meeting

Exhibit J- Letter from applicant regarding "no-build" and Lot 7 proposed site plan

Ordinance 14-

AN ORDINANCE APPROVING THE THAYNES CREEK RANCH ESTATES PHASE 2 SUBDIVISION LOCATED AT 510 PAYDAY DRIVE IN THE SOUTH HALF OF SECTION 5 AND NORTH HALF OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Richard's Parcel of the Richards/PCMC Annexation located at 510 Payday Drive, have petitioned the City Council for approval of the Thaynes Creek Ranch Estates Phase 2 subdivision plat for three (3) single family lots and one non-residential parcel for an existing riding arena; and

WHEREAS, the preliminary subdivision plat approved by City Council on January 31, 2013, at the time of approval of the Richards/PCMC Annexation, sets forth a maximum of seven single family development lots and one non-residential parcel for an existing indoor riding arena for the entire Richards Parcel. The preliminary plat for the entire Richards Parcel indicates a maximum allowable density of seven units, and provides guidelines for lot sizes, building pads for houses and barns, building massing and footprint restrictions, limits of disturbance areas, phasing, access, and other site planning requirements that have a goal of enhancing rather than detracting from the aesthetic quality of the entry corridor and ensuring that the final plat will result in a development that is compatible with the surrounding neighborhood; and

WHEREAS, an Annexation Agreement, between the City and Franklin D. Richards, Jr., Family Trust, pursuant to the Land Management Code, Section 15-8-5 (C), setting forth further terms and conditions of the Annexation and final subdivision plat, was approved by the Council on January 31, 2013; and

WHEREAS, on June 17, 2013, an application for a final subdivision plat for the first four lots was submitted to the Planning Department. The subdivision plat, known as Thayne's Creek Ranch Estates Phase One Subdivision, was approved by City Council on October 3, 2013. The subdivision plat was recorded at Summit County on December 19, 2013; and

WHEREAS, on September 6, 2014 proper legal notice was published in the Park Record, according to the Land Management Code of Park City; and

WHEREAS, on September 9, 2014, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on September 24, 2014, to receive input on the subdivision and continued the hearing to October 22, 2014; and

WHEREAS, the Planning Commission held a public hearing on October 22, 2014, discussed the proposed subdivision plat, and forwarded a positive recommendation to the City Council; and

WHEREAS, on December 4, 2014, the City Council held a public hearing on the Thaynes Creek Ranch Estates Phase 2 subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Thaynes Creek Ranch Estates Phase 2 Subdivision plat creating three (3) lots of record consistent with the Annexation Agreement and preliminary subdivision plat.

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 Thayne's Creek Ranch Estates Phase 2 subdivision, as shown in Exhibit A, is approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The property is located north of Payday Drive (north of the Thayne's Creek Ranch Subdivision), south of Aspen Springs Subdivision, east of Iron Canyon Subdivision, and west of Highway 224.
2. The property was annexed into Park City with the Richards/PCMC Annexation approved by the City Council on January 31, 2013 and recorded at Summit County on April 12, 2013.
3. The property is zoned Single Family (SF).
4. Access to the property is from Payday Drive at the existing driveway to the Richard's property. The driveway has been improved to a private street known as Country Lane.
5. On January 31, 2013, concurrent with the Annexation, the City Council reviewed and approved a preliminary subdivision plat for a total of seven single family lots and one common lot for the riding arena. The proposed phase two plat is consistent with the preliminary subdivision plat and consists of three (3) lots) and one parcel. The three lots are single family development lots and the parcel is a common, non-residential parcel lot for an existing riding arena.
6. The first phase subdivision plat, known as Thayne's Creek Ranch Estates Phase One Subdivision, was approved by City Council on October 3, 2013 and recorded at Summit County on December 19, 2013, and included four (4) single family lots consistent with the Annexation Agreement.
7. The property is not within the Entry Corridor Protection Overlay zone (ECPO) and no portion of the plat is within the Park City Soils Ordinance boundary.
8. The subdivision creates non-conforming rear setbacks for an existing outbuilding and a guest house on Lot 5 due to the building being built next to the outer property line of the subdivision.
9. The subdivision complies with the Land Management Code regarding final

- subdivision plats, including SF zoning requirements, general subdivision requirements, and lot and street design standards and requirements.
10. General subdivision requirements related to 1) drainage and storm water; 2) water facilities; 3) sidewalks and trails; 4) utilities such as gas, electric, power, telephone, cable, etc.; and 5) preservation of natural amenities and features, have been addressed through the Annexation and subdivision plat review process as required by the Land Management Code.
 11. Sanitary sewer facilities are required to be installed in a manner prescribed by the Snyderville Basin Water Reclamation District (SBWRD).
 12. The property is subject to the Employee/Affordable Housing requirements of the Affordable Housing Guidelines and Standards Resolution 20-07. One Affordable Unit Equivalent equals 900 square feet. The affordable housing obligation determined at the time of the annexation is 15% of 6 new units or 0.9 AUE (810 sf). The affordable housing obligation has been satisfied with payment of an in-lieu fee as approved by the Park City Housing Authority.
 13. Land uses proposed in the second phase subdivision include three single family lots and one lot to be dedicated to the HOA for common recreation facilities, such as the existing riding arena. Only one single family home and one barn are permitted to be constructed on each of Lots 6 and 7. Lot 6 contains an existing hay barn that may remain. Lot 5 contains an existing house, a guest house, a storage shed, and two barns that may remain. Lots 5 and 7 are allowed up to six (6) horses and therefore the barns are larger than on Lots 1, 2, and 6.
 14. Per the Land Management Code, a maximum of 2 horses per acre of lot area are permitted on lots containing one acre or more, subject to an administrative conditional use permit and an animal management plan.
 15. The PCMC Parcel that is adjoining Lots 6 and 7 allows only those uses permitted by the Deed of Conservation Easement.
 16. The subdivision plat is consistent with the purpose statements of the SF zone. The SF zone does not allow nightly rental uses and restricting this use is consistent with the character of the surrounding neighborhood.
 17. Areas of wetlands and irrigation ditches, and any required setbacks from these areas for the private road were identified during the annexation.
 18. The proposed subdivision is outside the City's Soils Ordinance District.
 19. Wetlands are protected by language in the LMC and Annexation Agreement requiring building pad locations, setbacks, and requirements for protection of sensitive lands during construction. Delineated wetland buffer areas are shown on the plat.
 20. There is good cause for this subdivision plat in that it creates legal lots of record from metes and bounds described parcels; memorializes and expands utility easements and provides for new utility easements for orderly provision of utilities; provides access easements for adjacent property; provides no build areas for protection of the City's Open Space and wetland buffer areas, and is consistent with the approved the Richards/PCMC Annexation Agreement and preliminary subdivision plat.
 21. The findings in the Analysis section are incorporated herein.

Conclusions of Law

1. The subdivision complies with LMC 15-7.3 as conditioned.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
3. The subdivision is consistent with the Richards/PCMC Annexation Agreement approved by the City Council on January 31, 2013.
4. The subdivision is consistent with the Richards/PCMC preliminary plat reviewed by the City Council on January 31, 2013.
5. Neither the public nor any person will be materially injured as a result of approval of the proposed subdivision plat.
6. Approval of the proposed subdivision plat, subject to the conditions stated herein, will not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval

1. City Attorney and City Engineer review and approval of the final form and content of the subdivision plat for compliance with State law, the Land Management Code, and the conditions of approval, is a condition precedent to recordation of the plat.
2. The applicant will record the subdivision plat at Summit County on or prior to the date that is one year from the final City Council approval. If recordation has not occurred within this extended timeframe, the plat amendment approval will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Conditions of approval of the Richards/PCMC Annexation, as stated in the Annexation Agreement, continue to apply.
4. Final approval of the sewer facilities plan by the Snyderville Basin Water Reclamation District is required prior to final plat recordation.
5. A landscape and irrigation plan shall be submitted for City review and approval for each lot, prior to building permit issuance. All applicable requirements of the LMC regarding top soil preservation, final grading, and landscaping shall be completed prior to issuance of a certificate of occupancy.
6. An industry standard Third Party inspector shall be mutually agreed upon by the Chief Building Official and the applicant prior to issuance of a building permit to provide third party inspection for compliance with LEED for Homes Silver rating, per the Annexation Agreement.
7. A construction mitigation plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, LMC, and conditions of the Annexation Agreement prior to building permit issuance.
8. A financial guarantee, in a form and amount acceptable to the City and in conformance with the conditions of approvals has been provided to the City for public improvements. A portion of the guarantee, to be determined by the City Engineer, shall be held by the City through the warranty period and until such improvements are accepted by the City.
9. All standard project conditions shall apply.

10. Recordation of a final subdivision plat is a requirement prior to issuance of building permits.
11. The final subdivision plat shall include a plat note stating that the maximum density of the second phase subdivision is three (3) single family dwelling units and that no lot shall be further subdivided to increase the overall density of the subdivision.
12. There shall be a plat note stating that Parcel 8, a common recreation parcel, as further described in the CCRs, is not a residential building lot and has no residential or commercial density associated with it.
13. All exterior lighting shall be reviewed with each building permit application for compliance with best lighting practices as recommended by the Dark Skies organization.
14. Fencing shall be consistent through-out the subdivision. A fencing plan shall be submitted with each building permit application to allow Staff to review all fencing for consistency through-out the subdivision and to review impacts of fencing on wildlife movement through the site. The fencing plan shall include location of fences and materials, dimensions, and installation methods and shall be consistent with the fencing plan approved with the preliminary plat.
15. Construction of a five foot wide public side walk along Payday Drive connecting the existing sidewalk on the north side of the street with a pedestrian crossing at Iron Mountain Drive is required to provide connectivity to Rotary Park. The sidewalk and all required public improvements, including landscaping of the public right-of-way along Payday Drive, shall be completed prior to issuance of a certificate of occupancy for any new house located in either the Phase One or Phase Two plats.
16. A grading plan and landscape plan shall be submitted with each building permit application and this requirement shall be noted on the final subdivision plat. Excavated materials shall remain on site to the greatest extent possible and shall be addressed with the grading plan.
17. A note shall be included on the final subdivision plat requiring each new house in the development to meet LEED for Homes Silver Rating certification (at a minimum) with required water conservation requirements as further described in the Annexation Agreement.
18. A note shall be added to the final subdivision plat stating that the Planning Director may grant an administrative Conditional Use permit for the raising and grazing of horses on these lots, including a barn, located a minimum of 75' from any dwelling unit, provided the administrative CUP application complies with the LMC requirements for raising and grazing of horses and an Animal Management Plan is submitted and approved with the administrative CUP.
19. A note shall be added to the final subdivision plat indicating that barns may not be used for human occupation.
20. A note shall be included on the final plat indicating that barns shall be designed to be architecturally compatible with the house on the same lot, including architectural design, materials, colors, and character.
21. All conditions and restrictions of the Annexation Agreement shall continue to apply to the Final Subdivision plat.

22. Ownership of water rights shall not affect the application of the Impact Fee Ordinance to the Property at the time of development of the lots as further described in the Annexation Agreement.
23. Modified 13-D residential fire sprinklers are required for all new construction as required by the Chief Building Official.
24. The plat shall note that Lots 5, 6 and 7 are restricted to a maximum house building footprint of 4,900 sf, including the garage. New barn footprint is restricted to 1,800 sf. Lot 5 has an existing single family house (3,906 sf footprint), an existing guest house and garage (1,398 sf footprint), a shed with a caretakers apartment (2,349 sf footprint), and two barns (2,203 sf and 1,690 sf) that may remain. Lot 6 has an existing hay barn with a 1,585 sf footprint that may remain and be enclosed with no additional building footprint allowed. All new construction shall meet LMC lot and site requirements in effect at the time of the building permit and shall comply with these plat notes.
25. Maximum building height for barns is 18' (to peak of roof).
26. Maximum building height for houses on Lots 5 and 6 is 30' (25' plus 5' for pitched roof). Maximum building height for Lot 7 is 28' (23' plus 5' for pitched roof).
27. Maximum irrigated area for finished landscape (excluding pasture areas irrigated with private irrigation shares) is 12,000 sf for Lots 6 and 7. All landscaping shall comply with LMC Section 15-5-5 (M). Trees, such as cottonwoods, willows, aspens, and fruit trees may be planted in the pasture areas provided they are irrigated only with private irrigation shares.
28. Maximum LOD area (including house and barn footprints, paved driveways, patios and other hardscape, and irrigated landscaping) for Lots 5, 6 and 7 is restricted to a maximum of 45% of the Lot Area. The area necessary for utility installation is excluded from the maximum LOD area calculation and if utility installation is within the pasture areas it shall be re-vegetated with like pasture vegetation. Designated "no-building zones" and wetland buffer areas shall not be impacted or disturbed by construction activities, with the exception of necessary utilities, irrigation facilities, and fence installation and repairs. Use of these areas by horses is subject to an Administrative Conditional Use permit and Animal Management Plan.
29. All new construction on Lot 5 shall comply with these conditions and the Land Management Code in effect at the time of building permit application for any new construction.
30. Parcel 8 shall be clearly noted on the plat as a non-residential parcel.
31. The "no-build zone" on Lot 6 shall be the eastern most eighty feet (80') of the lot and shall be identified on the final plat prior to recordation.
32. The "no-build zone" on Lot 7 shall be the northern most three hundred feet (300') of the lot and shall be identified on the final plat prior to recordation.

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

PASSED AND ADOPTED this ____ day of December 4, 2014.

PARK CITY MUNICIPAL
CORPORATION

Jack Thomas, MAYOR

ATTEST:

Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

EXHIBIT A1

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 05°33'54" E	31.57
L2	N 52°53'15" E	17.77
L3	S 88°43'36" E	30.55
L4	S 00°07'58" E	16.15
L5	S 5°32'53" E	44.78

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA
C1	84.00	7.60	02°11'00"
C2	15.74	22.86	83°17'21"
C3	116.00	10.25	05°03'51"
C4	41.30	37.84	16°53'51"
C5	41.30	82.20	12°50'40"
C6	41.30	67.72	94°24'42"

NOTES

- The maximum density of the second phase subdivision is three (3) single family dwelling units and that no lot shall be further subdivided to increase the overall density of the subdivision. Parcel 8 is a non-residential parcel to be used by the parcel owners per the Conditions of Approval for this subdivision.
- All residences in the development are to meet LED for Home State Rating certification (at a minimum) with required water conservation requirements as further described in the Amended Agreement.
- The subdivision is subject to the City's Affordable Housing Resolution 20-03 and as further described in the Amended Agreement.
- The Planning Director may grant an administrative Conditional Use permit for the raising and growing of horses on these lots, subject to a valid lot-occupied within an existing building and on the first subdivision map, provided the applicant complies with the following conditions for raising and growing of horses and providing an Animal Management Plan is submitted and approved.
- Any barns in this subdivision may not be used for human occupation.
- All conditions and restrictions of the Amended Agreement shall continue to apply to the First Subdivision map and shall be noted on the plat prior to reclamation.
- Conservation of water rights shall not affect the application of the report. For Ordinance to the Property of the time of development of the lots as further described in the Amended Agreement.
- Modified 12-01 residential lot boundaries are required for all new construction as required by the Utah Building Code.
- Buildable lots are restricted to a maximum building footprint of 4,800 sq. ft. for the house and garage. The floor area of all related structures shall be restricted to a maximum of 1,800 sq. ft.
- The maximum impervious area for finished landscape (including patios, decks, and other structures) shall be limited to 1,800 sq. ft. for the house and garage. The floor area of all related structures shall be restricted to a maximum of 1,800 sq. ft.
- The maximum impervious area for finished landscape (including patios, decks, and other structures) shall be limited to 1,800 sq. ft. for the house and garage. The floor area of all related structures shall be restricted to a maximum of 1,800 sq. ft.

ROCKY MOUNTAIN POWER NOTES

Utilities shall have the right to install, maintain and operate their equipment above and below ground and at other related facilities within the public utility easements depicted on this plat map as may be necessary or desirable in providing utility services within or without the lot identified herein, including the right of access to such facilities and the right to remove or alter any obstructions including structures, trees and vegetation that may be placed within the PUE. The utility may require the lot owner to remove or alter any obstructions within the lot owner's expense, or the utility may remove such structures at the lot owner's expense. At no time shall any structure be placed within the PUE without the prior written approval of the utility with facilities in the PUE.

Rocky Mountain Power approves this plat solely for the purpose of confirming that the plat contains public utility easements. Rocky Mountain Power does not warrant, endorse, approve, or assume any responsibility for the accuracy or completeness of the information on this plat, including the location, depth, and other characteristics of the utility easements and the location and depth of the utility easements. Rocky Mountain Power does not warrant, endorse, approve, or assume any responsibility for the accuracy or completeness of the information on this plat, including the location, depth, and other characteristics of the utility easements and the location and depth of the utility easements.

THAYNES CREEK RANCH ESTATES-PHASE II

LOCATED IN THE SOUTH HALF OF SECTION 5 AND THE NORTH HALF OF SECTION 8
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SYNDYVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SYNDYVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS

DATE OF _____ 2014 A.D.

BY _____ S.W.R.D.

PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS

DATE OF _____ 2014 A.D.

BY _____ CHAIR

ENGINEER'S CERTIFICATE

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS

DATE OF _____ 2014 A.D.

BY _____ PARK CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS

DATE OF _____ 2014 A.D.

BY _____ PARK CITY ATTORNEY

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS

DATE OF _____ 2014 A.D.

BY _____ PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS

DATE OF _____ 2014 A.D.

BY _____ MAYOR

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED

AT THE REQUEST OF _____

DATE _____ TIME _____

ENTRY NO. _____ FEE _____ RECORDER _____

EXHIBIT A2

FROM SECTION CORNER
SECTION 5, TOWNSHIP 2, RANGE 4E, SALT LAKE, SUMMIT
SECTION 5, TOWNSHIP 2, RANGE 4E, SALT LAKE, SUMMIT

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 05°33'54" E	31.57
L2	N 82°51'16" E	17.77
L3	S 88°43'36" E	30.55
L4	S 00°07'58" W	16.15
L5	S 20°23'52" E	49.64

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA
C1	84.00	7.60	05°11'00"
C2	15.74	22.88	83°17'21"
C3	116.00	10.25	02°03'51"
C4	41.10	23.03	32°06'42"
C5	41.10	38.11	136°45'53"
C6	41.10	67.72	94°24'42"

LOT 6
2.73 ACRES

LOT 7
3.21 ACRES

LOT 5
2.70 ACRES

PARCEL 8
0.63 ACRES

THAYNES CREEK RANCH ESTATES-PHASE I

ROCKY MOUNTAIN POWER NOTES

Utilities shall have the right to install, maintain and operate their equipment above and below ground and at other related facilities within the public utility easements identified on this plat map as may be necessary or desirable in providing utility services within and without the lot identified herein, including the right of access to such facilities and the right to require removal of any obstructions including structures, trees and vegetation that may be located within the easement. The utility may require the lot owner to remove all structures within the PUE at the lot owner's expense, or the utility may remove such structures at the lot owner's expense. At no time may any permanent structures be placed within the PUE or any other obstruction which interferes with the use of the PUE without the prior written approval of the utility. The utility shall be the PUE.

Rocky Mountain Power approves this plat solely for the purpose of confirming that the plat contains public utility easements. Rocky Mountain Power does not make any representation or warranty in this plat. This approval does not constitute a representation or warranty of any other existing rights, obligations or liabilities provided by law or equity. This approval does not constitute acceptance, approval or acknowledgment of any terms contained in the plat, including those set forth in the owner's dedication and the notes and does not constitute a guarantee of particular terms of electric utility service.

NOTES

- The maximum density of the second phase subdivision is three (3) single family dwelling units and that no lot shall be further subdivided to increase the overall density of the subdivision. Parcel 8 is a non-residential parcel to be used for the parcel owner's use. The Conditions of Approval for this subdivision.
- All residences in the development are to meet LEED for Homes Silver Rating certification. (at a minimum) with required water conservation requirements as further described in the Amusement Agreement.
- The subdivision is subject to the City's Affordable Housing Resolution 20-07 and as further described in the Amusement Agreement.
- The Planning Director may grant an administrative Conditional Use permit for the riding and grazing of horses on these lots and the final subdivision plat, provided the applicant complies with the LDC requirements for riding and grazing of horses and providing an Animal Management Plan is submitted and approved.
- Any barns in this subdivision may not be used for human occupation.
- All conditions and restrictions of the Amusement Agreement shall continue to apply to the Final Subdivision plat and shall be noted on the plat prior to recording.
- Ownership of water rights shall not affect the application of the Impact Fee Ordinance to the Property at the time of development of the lots as further described in the Amusement Agreement.
- Modified 13 residential lot subdivisions are required for all new construction as required by the City Building Official.
- Buildable lots are restricted to a maximum building footprint of 4,900 sq. ft. for the house and garage. The floor area of all second stories shall be restricted to 60% of the first story footprint. Barn footprints are restricted to a maximum of 1,800 sq. ft.
- The maximum irrigated area for irrigated landscape (excluding pasture areas irrigated with private irrigation systems) is 12,000 sq. ft. per lot. No non-irrigated area shall be included in the irrigated area. (M) Trees, such as cottonwoods, willows, aspens, and fruit trees may be planted in the pasture areas provided they are irrigated only with private irrigation systems.
- A wetlands delineation for this subdivision (November 7, 2011) was prepared and accepted by the Army Corps of Engineers (ACE) and PMOC and is on file with PMOC. Affected lot owners shall comply with both the ACE and PMOC regulations with respect to wetlands impacts including maintaining a 50-foot buffer from the wetlands per PMOC LDC.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owners of the herein described tract of land, to be known hereafter as THAYNES CREEK RANCH SUBDIVISION-PHASE II, does hereby certify that he has caused this Subdivision Plat to be prepared, and FRANKLIN D. RICHARDS, JR., as Trustee of the FRANKLIN D. RICHARDS, JR. FAMILY TRUST DATED December 24, 2002, hereby consent to the recording of this Plat.

In witness whereof, the undersigned set his hand this _____ day of _____, 2014.

FRANKLIN D. RICHARDS, JR., Trustee

ACKNOWLEDGEMENT

STATE OF _____
COUNTY OF _____

On this _____ day of _____, 2014, FRANKLIN A. RICHARDS, JR. personally appeared before me, the undersigned Notary Public, in and for said County and State, who after being duly sworn, acknowledged to me that he is the TRUSTEE of the FRANKLIN D. RICHARDS, JR. FAMILY TRUST, Dated December 24, 2002, that he has signed the above and foregoing Owner's Dedication and Consent to Record on behalf of said Family Trust; that he has been duly appointed as TRUSTEE by the Declaration of the Family Trust and that he has executed this document in his capacity as TRUSTEE as the act of said Family Trust for the purpose set forth herein.

A Notary Public Commissioned in Utah _____
Residing at: _____

Printed Name _____ My Commission Expires: _____

LEGEND

- To meet 5/8" Iron rod w/cap, ALLIANCE ENGR/AS 154491
- Found Iron rod & cap
- xxxx Street address
- EP: Wastewater ejector pumps may be required for the indicated lots.

A 10 foot Rocky Mountain Power easement is dedicated on all property lines.

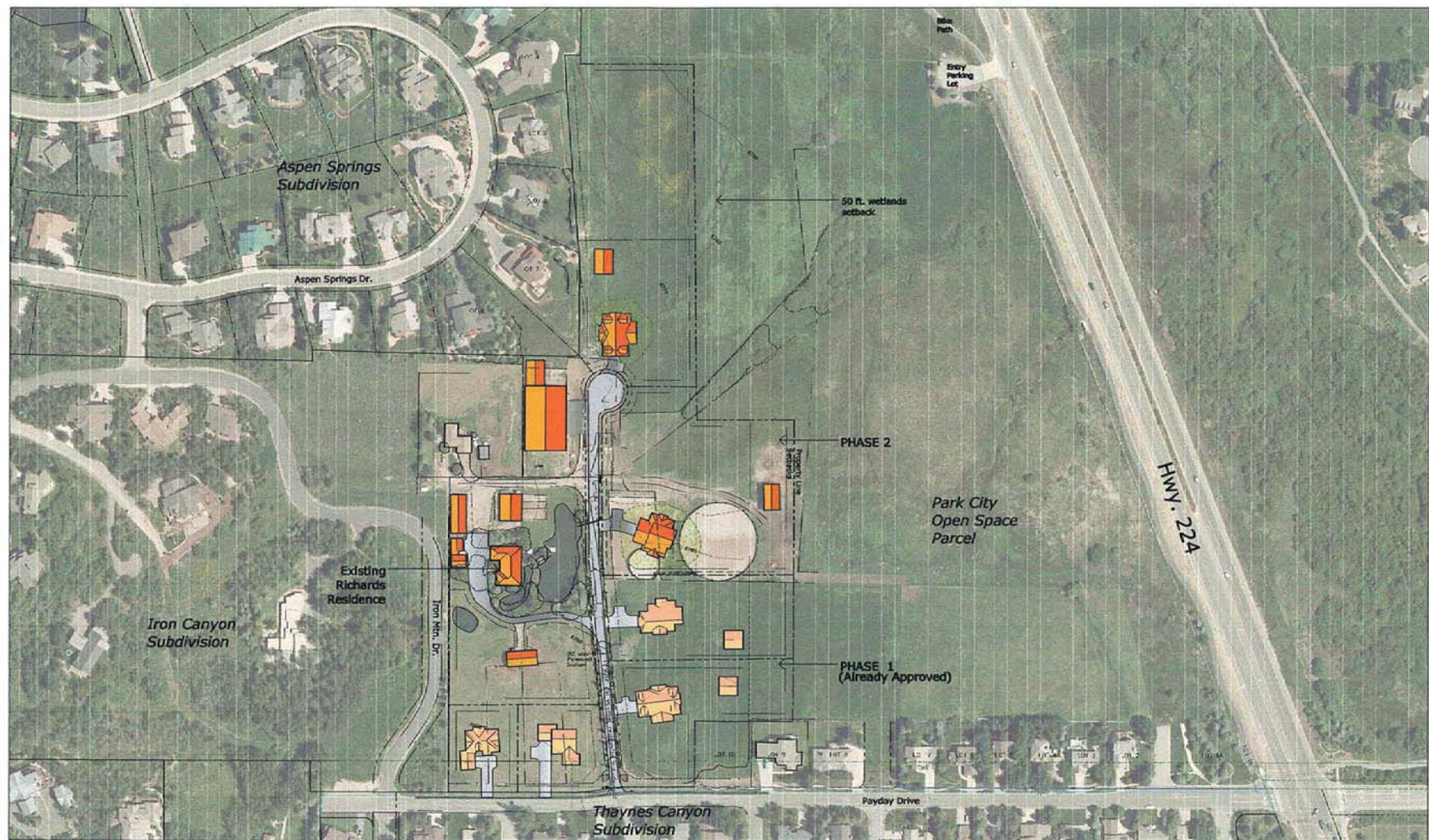
THAYNES CREEK RANCH ESTATES-PHASE II

LOCATED IN THE SOUTH HALF OF SECTION 5 AND THE NORTH HALF OF SECTION 8
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 1

ALLIANCE ENGINEERS CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	(435) 640-9487	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2014 A.D. BY _____ S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2014 A.D. BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2014 A.D. BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2014 A.D. BY _____ PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2014 A.D. BY _____ PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2014 A.D. BY _____ MAYOR	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____ FEE _____ RECORDER _____
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EXHIBIT B



(435) 841-1847 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 122 Main Street P.O. Box 2088 Park City, Utah 84060	STAFF: STEVE SCHUCKER	PROPOSED SUBDIVISION-PHASE II PHASE II SUBDIVISION PLAT THANYES CREEK RANCH ESTATES	SHEET 1 OF 1
	FOR: Frank Richards JOB NO.: S-4-11 FILE: S:\Thanyes Comp\del\frank\500 foot phase two plat.dwg	DATE: 6/27/14	





OFFICE OF THE LIEUTENANT GOVERNOR

CERTIFICATE OF ANNEXATION

I, GREG BELL, LIEUTENANT GOVERNOR OF THE STATE OF UTAH,
HEREBY CERTIFY THAT there has been filed in my office a notice of annexation from
PARK CITY, dated January 31st, 2013, complying with Section 10-2-425, Utah Code
Annotated, 1953, as amended.

NOW, THEREFORE, notice is hereby given to all whom it may concern that the
attached is a true and correct copy of the notice of annexation, referred to above, on file
with the Office of the Lieutenant Governor pertaining to PARK CITY, located in
SUMMIT County, State of Utah.



IN TESTIMONY WHEREOF, I have
hereunto set my hand, and affixed the Great
Seal of the State of Utah this 22nd day of
March, 2013 at Salt Lake City, Utah.

GREG BELL
Lieutenant Governor

When recorded return to:

Park City Municipal Corporation

City Recorder

P O Box 1480

Park City, Utah 84060

Fee exempt per Utah Code Annotated 11-13-102

Ordinance 13-06

ORDINANCE APPROVING AN ANNEXATION OF APPROXIMATELY 33 ACRES KNOWN AS THE RICHARDS/PCMC ANNEXATION LOCATED IN THE SOUTH HALF OF SECTION 5, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, UTAH AND AMENDING THE OFFICIAL ZONING MAP OF PARK CITY TO ZONE THE PCMC PROPERTY AS RECREATION OPEN SPACE (ROS) AND THE RICHARDS PROPERTY AS SINGLE FAMILY DEVELOPMENT (SF).

WHEREAS, on February 7, 2012, the Petitioners, PCMC and Franklin D. Richards, Jr. Family Trust, filed an annexation petition with the City Recorder for annexation of two metes and bounds described parcels that are currently within the jurisdiction of Summit County and surrounded by properties that are within the Park City municipal boundaries as shown on the attached Annexation Agreement;

WHEREAS, the Property is 33.49 acres in area and is located west of SR 224 and north of Payday Drive, as described in the attached Annexation Agreement, Annexation Plat (Exhibit A to the Annexation Agreement), Legal Descriptions (Exhibit B to the Annexation Agreement) and Proposed Zoning Map Amendment (Exhibit F to the Annexation Agreement);

WHEREAS, the Property is included within the Park City Annexation Expansion Area, and is not included within any other municipal jurisdiction;

WHEREAS, the annexation petition was accepted by the City Council on February 16, 2012;

WHEREAS, the City reviewed the petition against the criteria stated in Sections 10-2-403 (2), (3), and (4) of the Utah Code, annotated 1953 as amended, and found the petition complied with all applicable criteria of the Utah Code;

WHEREAS, On March 1, 2012, the City Recorder certified the annexation petition and delivered notice letters to the "affected entities" required by Utah Code, Section 10-2-405, and provided legal notice that the petition had been certified and the required 30-day protest period had begun;

WHEREAS, no protests were filed by any "affected entities" or other jurisdictions within the 30-day protest period and the petition was considered accepted on April 1, 2012;

WHEREAS, the Planning Commission, after proper notice, conducted public hearings on the Annexation petition application on May 9th, September 26th, October 24th, November 28th, December 12th, 2012, and on January 9th, 2013;

WHEREAS, on January 9th, 2013, the Planning Commission forwarded a recommendation to City Council on the proposed annexation and zoning of the Richards/PCMC Annexation;

WHEREAS, on January 31st, 2013, the City Council conducted a public hearing and discussed the annexation and zoning map amendment and took public testimony on the matter, as required by law;

WHEREAS, the City Council finds that the annexation and requested zoning map amendments are consistent with the Park City General Plan;

WHEREAS, the preliminary subdivision plat (Exhibit C to the Annexation Agreement) sets forth a maximum of seven single family development lots and one common lot for an existing indoor riding arena. Preliminary platting indicates maximum allowable density of seven units, lot sizes, preliminary building pad areas for houses and barns, house sizes, building massing and height restrictions, limits of disturbance areas, phasing, access, and other site planning requirements that have a goal of enhancing rather than detracting from the aesthetic quality of the entry corridor and ensuring that the final plat will result in a development that is compatible with the surrounding neighborhood; and

WHEREAS, an Annexation Agreement, between the City and Franklin D. Richards, Jr., Family Trust, pursuant to the Land Management Code, Section 15-8-5 (C), setting forth further terms and conditions of the Annexation and final subdivision plat, is herein attached.

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

SECTION 1. ANNEXATION APPROVAL. The Property is hereby annexed into the corporate limits of Park City, Utah according to the Annexation Plat executed in substantially the same form as is attached to the Annexation Agreement and according to the Findings of Fact, Conclusions of Law, and Conditions of Approval as stated below and within the Annexation Agreement.

The Property so annexed shall enjoy the privileges of Park City as described in the Annexation Agreement and shall be subject to all City levies and assessments, conditions, and restrictions as described in the terms of said Annexation Agreement.

The Property shall be subject to all City laws, rules and regulations upon the effective date of this Ordinance.

SECTION 2. ANNEXATION AGREEMENT. City Council hereby authorizes the Mayor to execute the Annexation Agreement in substantially the same form as is attached hereto and as approved to form by the City Attorney.

SECTION 3. COMPLIANCE WITH STATE LAW, GENERAL PLAN, AND ANNEXATION POLICY PLAN. This annexation and the proposed zoning meets the standards for annexation set forth in Title 10, Chapter 2 of the Utah Code, the Park City

General Plan, and Park City Annexation Policy Plan - Land Management Code Chapter 8, Annexation.

SECTION 4. OFFICIAL PARK CITY ZONING MAP AMENDMENT. The Official Park City Zoning Map is hereby amended to include said PCMC Parcel in the ROS zoning district and the Richards Parcel in the SF zoning district, as shown in Exhibit F to the Annexation Agreement.

SECTION 5. FINDINGS OF FACT, CONCLUSIONS OF LAW, AND CONDITIONS OF APPROVAL.

Findings of Fact

1. On February 7, 2012, the applicants filed an annexation petition with the City Recorder for annexation of two parcels currently within the jurisdiction of Summit County and completely surrounded by properties within the Park City municipal boundaries.
2. The applicants are requesting annexation and zoning approval for two separately owned parcels. The Franklin D. Richards Jr. Family Trust ("Richards Parcel") is 13.75 acres and the requested zoning is Single Family (SF). The PCMC Parcel is 19.74 acres and the requested zoning is Recreation Open Space (ROS).
3. The property is located north of Payday Drive (north of the Thayne's Creek Ranch Subdivision), south of Aspen Springs Subdivision, east of Iron Canyon Subdivision, and west of Highway 224. The property is surrounded on all boundaries by Park City municipal boundaries and is considered an island of unincorporated land.
4. The applicants submitted an annexation plat for the two parcels, prepared by a licensed surveyor and additional annexation petition materials according to provisions of the City's Annexation Policy Plan and Utah State Code. A Preliminary Subdivision Plat (Exhibit C to the Annexation Agreement) and an existing conditions survey map were also submitted.
5. The Preliminary Subdivision Plat indicates four single family home lots in Phase I and three single family lots in Phase II, and Lot 8, the equestrian lot. The existing home, guest house and horse training facility are in Phase II and may remain unplatted until a final subdivision plat is submitted and approved by the City for that property. Barn pad locations are indicated for the equestrian lots.
6. The petition was accepted by the City Council on February 16, 2012 and certified by the City Recorder on March 1, 2012. Legal notice was published in the Park Record and the Public Website as required by State Code. Notice of certification was mailed to affected entities as required by the State Code. The protest period for acceptance of the petition ended on April 1st. No protests to the petition were filed.
7. The PCMC property is a dedicated open space parcel, subject to a March 24th, 2005, Deed of Conservation Easement in favor of the Summit Land Conservancy, in perpetuity. In 1999, the City purchased this 19.74 acre parcel through a purchase agreement with the Trust for Public Land from Frank Richards. A lease agreement is required for use of the PCMC Parcel by any person or entity other than by the City.
8. The PCMC Parcel is currently utilized for agricultural uses of grazing and growing of hay, as well as for undisturbed open space along streams, irrigation ditches, and wetlands. The City provides winter time grooming of a ski trail within the parcel, along Hwy 224. The land was originally part of the Franklin D. Richard,

Jr. Family Trust. The PCMC property will remain as open space in perpetuity, subject to restrictions of the 2005 Deed of Conservation Easement (Exhibit D to the Annexation Agreement).

9. The property is located within the Park City Municipal Corporation Annexation Expansion Area boundary, as described in the adopted Annexation Policy Plan (Land Management Code (LMC) Chapter 8) and is contiguous with the current Park City Municipal Boundary along the south property lines with the Thayne's Creek Subdivision Annexation (June 2, 1989) and the Treasure Mountain Annexation (Thayne's Canyon Subdivision) (July 28, 1971). The property is contiguous with the City along the north property lines with the Peterson Property Annexation (February 22, 1993) and the Chamber Bureau Kiosk Annexation. Along the west property line there is contiguity with the Smith Ranch Annexation (July 14, 1988) (aka Aspen Springs Subdivision) and the Iron Canyon Annexation (October 28, 1983). Along the east property lines there is contiguity with the McLeod Creek Annexation (May 7, 1979).
10. The proposed annexation properties are the only non-annexed properties owned by these Petitioners in the surrounding area.
11. Access to the Richards property is from Payday Drive at the existing driveway to the Richards farm. Access to the PCMC property is also from Payday Drive, just west of Hwy 224 at a stubbed in roadway. This access is used by ski grooming equipment and other municipal vehicles to maintain the property. No access is proposed directly off of Highway 224 with this annexation or for the subdivision.
12. The property is subject to the Employee/Affordable Housing requirements of the Affordable Housing Guidelines and Standards Resolution 20-07. One Affordable Unit Equivalent equals 900 square feet. The affordable housing obligation is 15% of 6 new units or 0.9 AUE (810 sf). Affordable house shall be provided on-site according to requirements of the Housing Resolution 20-07, unless payment of fees in lieu is approved by the Park City Housing Authority. Addition requirements regarding affordable housing are spelled out in the Annexation Agreement. Fees in lieu are subject to the dollar amounts established by the Housing Authority and in effect at the time of submittal of building permits or as required by the Housing Authority.
13. Land uses proposed in the Preliminary Subdivision Plat include a total of 7 single family lots and 1 common area lot (Lot 8 of the preliminary subdivision plat) for an existing riding arena. No density is assigned or permitted to be developed on Lot 8. Only one single family home and one barn are permitted to be constructed on the remaining lots. Lot 5 of the preliminary subdivision plat contains an existing single family house and a guest house that may remain and be used as a guest house. These uses are permitted.
14. Per the Land Management Code, a maximum of 2 horses per acre of lot area are permitted on lots containing one acre or more, subject to an administrative conditional use permit and an animal management plan. The PCMC Parcel allows only uses permitted by the 2005 Deed of Conservation Easement (Exhibit D to the Annexation Agreement). Lots 3 and 4 may be combined into one lot of record, allowing a maximum of 2 horses on the combined lot, subject to the LMC Section 15-2.11-6 Maximum House Size and Setbacks on Combined Lots and any conditions of approval of a plat amendment to combine the lots prior to issuance of a building permit.
15. The proposed land uses are consistent with the purpose statements of the SF and ROS zones respectively. The SF zone does not allow nightly rental uses and restricting this use is consistent with the character of the surrounding

neighborhood.

16. The Annexation Agreement and Preliminary Subdivision Plat limit the total number of lots to eight (8), including the equestrian lot, and the final plat would include a note indicating that no further subdivision of lots is allowed and no residential or commercial density is permitted on Lot 8. Barns are to be used for agricultural uses, horses, and related storage and not for human occupation.
17. Annexation of this parcel will not create an island, peninsula, or irregular city boundary. The annexation is a logical extension of the City Boundary.
18. Provision of municipal services for this property is more efficiently provided by Park City than by Summit County.
19. Areas of wetlands and irrigation ditches, and any required setbacks from these areas have been identified on the property.
20. The annexation is outside the City's Soils Ordinance District and there are no areas of steep slope that would indicate the property should be placed in the Sensitive Lands Overlay Zone. Wetlands and streams are protected by language in the LMC requiring minimum setbacks and protection during construction. The platting of specific building envelopes for houses and barns at the time of the final subdivision plat will further protect these sensitive areas from impacts of development.
21. The annexation petition has been reviewed pursuant to the Utah Code Annotated (UCA) Sections 10-2-401, 10-2-402 and 10-2-403. The annexation petition requirements set forth in these sections of the UCA have been met; including issues of 1) contiguity and municipal annexation expansion area, 2) boundaries drawn along existing local districts, special districts and other taxing entities, and 3) for the content of the petition.
22. The proposed annexation is consistent with the purpose statements of the Annexation Policy Plan and as conditioned will protect the general interests and character of the community; assure orderly growth and development of the Park City community in terms of utilities and public services; preserve open space and ensure environmental quality; protect a prominent entry corridor, view sheds and environmentally Sensitive Lands; enhance pedestrian connectivity, create buffer areas; and protect the general health, safety, and welfare of the public.
23. City Staff has reviewed the proposed annexation and preliminary plat against the general requirements established for annexation to Park City as presented in LMC Section 15-8-2 and as further described in the Analysis section of this report.
24. The property was posted, courtesy notices were mailed to surrounding property owners, and legal notice was published in the Park Record according to requirements for annexations in the LMC and State Code.

Conclusions of Law

1. The Annexation and Zoning Map amendment are consistent with the Annexation Policy Plan and the Park City General Plan.
2. Approval of the Annexation and Zoning Map amendment does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. The Official Zoning Map shall be amended to designate the PCMC property as Recreation Open Space (ROS) and the Richards Parcel as Single Family (SF).
2. The Annexation Agreement shall be fully executed and recorded at Summit County.

3. Petitioner and PCMC shall execute a Water Agreement (Exhibit E to the Annexation Agreement, to be recorded separately) providing for the transportation of water to the subdivision.
4. Recordation of a final subdivision plat, to create legal lots of record; dedicate utility, access, drainage, snow storage, and irrigation easements; identify platted building pads for houses and barns; identify limits of disturbance areas and driveway and hard surface areas; establish architectural guidelines for barns; establish fencing details; and to address other issues that are typically addressed at the time of the final subdivision plat, is a requirement prior to commencing of site work and issuance of building permits on the Property.
5. The final subdivision plat shall be in substantial compliance with the Preliminary Subdivision Plat (Exhibit C to the Annexation Agreement) submitted with the Annexation petition, as amended. The final subdivision plat shall include plat notes stating that the maximum density of the subdivision is seven (7) single family dwelling units and that no lot shall be further subdivided to increase the overall density of the subdivision. Barns shall not be used for human occupation. The existing guest house on Lot 5 may remain and is not separately saleable from the main dwelling. If the affordable housing unit is provided on site that unit is in addition to the maximum density of seven units.
6. All exterior lighting shall be reviewed with each building permit application for compliance with best lighting practices as recommended by the Dark Skies organization.
7. Fencing shall be consistent through-out the subdivision and described on the final subdivision plat and in the CCRs. A fencing plan shall be submitted with the final subdivision plat application and with each building permit application to allow Staff to review all fencing for consistency through-out the subdivision and to review impacts of fencing on wildlife movement through the site. The fencing plan shall include location of fences and materials, dimensions, and installation methods.
8. Construction of a five foot wide public side walk along Payday Drive connecting the existing sidewalk on the north side of the street with Iron Mountain Drive is required to provide connectivity to Rotary Park and shall be identified on the final subdivision plat. The sidewalk and all required public improvements, including landscaping of the public right-of-way along Payday Drive, shall be completed prior to issuance of a certificate of occupancy for any new house on the property.
9. A grading plan and landscape plan shall be submitted with each building permit application and this requirement shall be noted on the final subdivision plat. A landscaping plan for public right-of-way and any common areas shall be submitted with the final subdivision plat.
10. A note shall be included on the final subdivision plat requiring each new house in the development to meet LEED for Homes Silver Rating certification (at a minimum) with required water conservation requirements as further described in the Annexation Agreement.
11. Excavated materials shall remain on site to the greatest extent possible.
12. Use of the PCMC Parcel shall be addressed and regulated by a signed and executed Lease Agreement for Agricultural Use and Grazing for use by any person or entity other than the City. All use of the PCMC Parcel shall comply with the March 24, 2005 Deed of Conservation Easement by and between Park City Municipal Corporation and in favor of Summit Land Conservancy.
13. The application is subject to the City's Affordable Housing Resolution 20-07 and as further described in the Annexation Agreement. The affordable housing

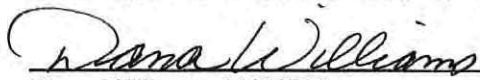
obligation shall be provided on the property, unless otherwise approved by the Park City Housing Authority. If the affordable housing unit is provided within the subdivision, the unit will not count against the maximum allowed density.

14. A note shall be added to the final subdivision plat stating that the Planning Director may grant an administrative Conditional Use permit for the raising and grazing of horses on these lots, including a barn located within an identified building pad on the final subdivision plat, provided the application complies with the LMC requirements for raising and grazing of horses and providing an Animal Management Plan is submitted and approved. Barns may not be used for human occupation.
15. Access easements shall be provided on the final subdivision plat, along lot lines as necessary to facilitate utility service, irrigation, and access to the PCMC Parcel, for equestrian use and for maintenance of the parcel as allowed by the March 2005 Deed of Conservation Easement.
16. All conditions and restrictions of the Annexation Agreement shall continue to apply to the final subdivision plat.
17. The final subdivision plat shall dedicate a private access easement for the Ross-Gaebe Property to memorialize the existing private easement across the existing driveway and to extend this easement to the public ROW at Payday Drive.
18. Prior to recordation of a final subdivision plat a historic reconnaissance survey should be conducted by the applicant in conformance with the City's Historic Preservation Chapter 11 of the Land Management Code and a certification letter regarding any historic resources shall be submitted to the City. Any discovered historical or cultural resources will be added to the City's Historic Sites Inventory and designated as either "Significant" or "Landmark" according to the criteria as listed in LMC Chapter 11.
19. Ownership of water rights shall not affect the application of the Impact Fee Ordinance to the Property at the time of development of the lots.
20. A lot line adjustment application will be allowed to combine Lots 3 and 4 into one lot of record. The lot combination will be subject to the LMC Section 15-2.11-6 Maximum House Size and Setbacks on Combined Lots.

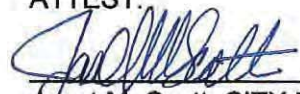
SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect upon publication of this Ordinance, recordation of the Annexation Plat and Annexation Agreement, and in compliance with state annexation filing requirements, pursuant to the Utah Code Annotated Section 10-2-425.

PASSED AND ADOPTED this 31st day of January, 2013.

PARK CITY MUNICIPAL CORPORATION

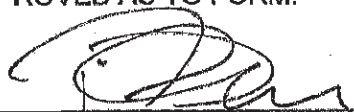

Dana Williams, MAYOR

ATTEST:


Janet M. Scott, CITY RECORDER



APPROVED AS TO FORM:



Thomas A. Daley, Sr. DEPUTY CITY ATTORNEY

Attachment- Annexation Agreement and Exhibits

When recorded, please return to:
PARK CITY MUNICIPAL CORPORATION
City Recorder
P O Box 1480
Park City UT 84060

RICHARDS PARCEL ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT (this "Agreement") is made by and between Park City Municipal Corporation (hereinafter, "PCMC" or the "City") and Franklin D. Richards, Jr. Family Trust (December 24, 2002) (hereinafter, "Petitioner") to set forth the terms and conditions under which Park City will annex certain land owned by Petitioner (hereinafter, "Richards Parcel" or "Petitioner's Property"), consisting of approximately 13.75 acres and located in unincorporated Summit County, Utah, north of Payday Drive and west of State Route 224. The Richards Parcel is one of two parcels proposed to be annexed into Park City's municipal boundaries. The other parcel proposed for annexation is a 19.74 acre parcel owned by the City (hereinafter, "PCMC Parcel"). Together, the annexation of the Richards Parcel and the PCMC Parcel shall be referred to as the Richards/PCMC Annexation; the petition to annex both parcels shall be referred to as the "Annexation Petition;" and both the Richards Parcel and the PCMC Parcel shall be referred to as the "Annexation Property." The Richards/PCMC Annexation Petition requests annexation into the corporate limits of Park City and extension of municipal services to the Richards Parcel. The PCMC Parcel is included in the Annexation Petition but is not subject to the terms of this Annexation Agreement. The City and Petitioner are sometimes collectively referred to in this Agreement as the "Parties" or individually as a "Party". This Agreement is made under authority of §§ 10-2-401 et. Seq. of the Utah Code, Annotated 1953, as amended "MLUDMA").

WHEREAS, the Richards/PCMC Annexation includes the following parcels: the PCMC Parcel, with tax identification number SS-104-1-B-1-X, owned by PCMC and consisting of 19.74 acres, and the Richards Parcel, with tax identification number SS-104-1-B, owned by Petitioner and consisting of 13.75 acres.

WHEREAS, in furtherance of the foregoing, the Petitioner desires to annex the Richards Parcel into the corporate limits of the City and, to that end, a complete Annexation Petition for the Annexation Property was filed with the City on February 12, 2012. The Annexation Petition was accepted by the City Council on February 16, 2012, and certified by the City Recorder on March 1, 2012. The first public hearing was conducted by the Planning Commission on May 9, 2012. Subsequent public hearings were conducted by the Planning Commission on September 26th and December 12th of 2012 and January 9th of 2013.

WHEREAS, in connection with the Richards/PCMC Annexation, the Annexation Property is proposed to be zoned Single Family (SF Zone) for the Richards Parcel and Recreation Open Space (ROS Zone) for the City Parcel. The SF Zone is a City zoning district allowing for low density, single family home development that maintains existing predominately single family detached residential neighborhoods, maintains the character of mountain resort neighborhoods with compatible design, and

requires a streetscape that minimizes impacts on existing residents and reduces the architectural impacts of the automobile. The SF zoning district is more fully described in the City's Land Management Code.

NOW, THEREFORE, in furtherance of the Annexation Petition, in consideration of City's action to annex Petitioner's property, and in consideration of the mutual promises contained herein, as well as the mutual benefits to be derived here from, the Parties agree that the terms and conditions of the Richards/PCMC Annexation shall be as follows:

1. **Property.** The Richards Parcel to be annexed is approximately 13.75 acres in area, as depicted on the annexation plat attached as Exhibit A (the "Annexation Plat") and as more fully described in the legal descriptions attached as Exhibit B. The PCMC Parcel consists of 19.74 acres. The total Richards/PCMC Annexation includes both parcels and totals approximately 33.49 acres.

2. **Zoning.** Upon Annexation, the Richards Parcel will be zoned Single Family (SF). The PCMC Parcel will be zoned Recreation Open Space (ROS). The official zoning map of Park City shall be amended to include these properties and zoning designations (see Exhibit F).

3. **Subdivision; Density and Phasing.** Pursuant to Land Management Code Section 15-8-3 on February 12, 2012, a complete revised application for a Preliminary Subdivision Plat on the 13.75 acre Richards Parcel of the Property was filed with the City. The Preliminary Subdivision Plat is attached as Exhibit C. The maximum allowable residential density is seven (7) dwelling units with all units to be single family detached houses located within the Richards Parcel. The PCMC Parcel is to be platted as open space with ROS zoning, subject to the Deed of Conservation Easement described below. Uses of the PCMC Parcel must comply with the ROS zoning and the March 24th, 2005, Deed of Conservation Easement entered into by and between Park City Municipal Corporation (Exhibit D), in favor of the Summit Land Conservancy, a Utah non-profit corporation.

The maximum density allowed on the Richards Parcel does not include the required affordable housing unit ("AUE") as specified in Paragraph 10 below. The land use development of the Property shall be governed by the maximum density stipulated in this Agreement, zoning designations provided herein and by the Final Subdivision Plat, to be finalized as soon as reasonably practicable following completion of the annexation process pursuant to Utah Code Annotated § 10-2-425(5).

Moreover, any substantive amendments to this Annexation Agreement shall be processed in accordance with the Park City Land Management Code and MLUDMA in effect at the time an application for amendment is filed with the City Planning Department.

Further, as part of the Final Subdivision Plat approval process, the phasing of the development of the Petitioner's Property shall be determined in a manner that ensures the adequacy of public facilities as may be required to support any such development.

4. **Sidewalks.** A condition precedent to building permit issuance for construction on any lot within the Final Subdivision, is the dedication to the City of a ten (10') wide, non-exclusive, public easement across the Petitioner's Property along Payday Drive, for the purposes of public access, utilities, irrigation, storm water drainage, landscaping and snow storage. Construction of a five (5') foot wide non-vehicular public pedestrian sidewalk, to be located within the ten (10') public easement and

constructed to City Standards and Specifications as required by the City Engineer, shall be included as part of the required public improvements for the future development. The sidewalks shall connect to the existing sidewalk within the Thayne's Creek Ranch B Subdivision and shall run to the Property's western boundary at Iron Mountain Drive, with the final location to be determined by the City Engineer during the Final Subdivision Plat review process. Any obligations or guarantees with respect to the construction of such sidewalks shall be governed by the terms and conditions of the Final Subdivision for the Property.

5. **Fire Prevention Measures.** Because of potential wild land interface issues on the Petitioner's Property, the Petitioner (or, as specified in connection with any such assignment, its assigns) agrees to implement a fire protection and emergency access plan, to be submitted prior to the issuance of any building permits, to be reviewed and approved by the Fire Marshall and Chief Building Official for compliance with applicable building and fire codes. Such plan may include a requirement for residential fire sprinkler systems for all structures. Fire and emergency access and fire hydrants shall be installed as required by the fire protection plan prior to issuance of any full building permits on the Property.

6. **Roads and Road Design.** All streets and roads within the Property are to be private roads designed and retained as private roads. Final design shall be determined during the Final Subdivision Plat review process.

7. **Sanitary Sewer, Line Extensions and Storm Water Detention Facilities.** Construction and alignment of the sanitary sewer shall be established as part of the Final Subdivision Plat for the Property (as accepted by the City and filed in the official real estate records of Summit County, Utah, the "**Subdivision Plat**"). The preferred alignment of the sanitary sewer shall be that alignment which results in the least visual impact and site disturbance while meeting the site design and construction requirements of the Snyderville Basin Water Reclamation District.

In connection with the Final Subdivision Plat review process, on-site storm water detention facilities, or alternatives, as approved by the Park City Engineer, may be required. The timing for the construction of such storm water detention facilities shall be determined by the City Engineer, at the time of final Subdivision Plat review (the "**Storm Detention Facilities**"). Maintenance of on-site storm water detention facilities will be the responsibility of the Petitioner or of a future homeowner's association for common facilities.

8. **Water Rights.** Pursuant to the Annexation Petition the Petitioner owns 102.5 ac-ft of water under Water Right 35-8458, of which 42 ac-ft is utilized on the 13.75 acres for irrigation. Petitioner and City are currently working to resolve a title dispute on as much as 69 acre feet of the 102.5 acre feet. That dispute will not affect the implementation of this Annexation Agreement.

Previously, the Petitioner conveyed 7.5 ac-ft from Water Right 35-8458 to the lot owners within the Thayne's Creek Ranch Subdivision as part of the Thayne's Creek Ranch Annexation Agreement and Subdivision approval. An additional 10 ac-ft were conveyed to the Trust for Public Lands in connection with irrigation of the Conservation Easement on the 19.74 acre PCMC Parcel. Petitioner agrees to convey to lot purchasers one (1) acre foot from this water right for each of Lots 3 and 4, two (2) acre feet for each of Lots 1 and 2, four (4) acre feet for each of lots 6 and 7, and two and a half (2.5) acre feet for lot 5, the equestrian lot, for the purpose of irrigation and stock water, for a total of sixteen and a half

(16.5) acre feet. Park City also owns a portion of the same water right and uses it along with Park City's other water rights to irrigate the PCMC Parcel and other City-owned property.

Since filing the Annexation Petition, the Petitioner has conveyed 86 acre feet of the decreed water right to a third party who is unrelated to the Richards/PCMC Annexation. The underlying water right which is being segregated to represent the respective interests of the three parties (including the third party) has a priority date of 1882. Thus, this water right will be subject to priority cuts by the Utah Division of Water Rights.

The distribution of water represented by water rights which will be owned by Park City, the Petitioner, and the third party through open ditches, streams, and head gates will present challenges to Park City due to Park City operating the water distribution system above and below the proposed subdivision. Accordingly, PCMC and Petitioner will enter into a separate agreement regarding the delivery of water to the Petitioner's Property. (Hereafter the "Water Agreement").

As set forth in the Water Agreement, which will be approved by City Council, Petitioner and the City have agreed that the City will operate the head gates leading into the Petitioner's Property and proposed subdivision. City will operate the head gates in accordance with the water rights of record owned in the aggregate by the individual lot owners and the City. The Petitioner understands that Park City's operation of head gates will be subject to the Utah Division of Water Right's enforcement of water rights. Petitioner further understands that the City will not operate or in any way be responsible for the design, construction, or maintenance of the irrigation water delivery system within the subdivision.

The water agreement, be recorded separately, will also address improvements to the existing ditch system and infrastructure (improvements) that will be required to accurately divert and measure the correct flow rate to the Petitioner, the City, and the third party. The cost of improvements will be shared between the Petitioner and the City in proportion to each party's quantity of water, as provided in the Water Agreement.

City may convey water through the Petitioner's proposed subdivision as provided in the Water Agreement. It will be the responsibility of the water right owners in the subdivision to construct facilities to meet their irrigation needs based on this continuous flow and delivery location. City may elect to establish an irrigation turn system.

9. **Water Impact Fees and Other Water Facilities and Systems Costs.** Certain water facilities and systems internal to Petitioner's Property shall be required to be constructed and, to the extent they are dedicated to the City, easements therefore granted to the City, all of which shall be determined, and agreed to, by the affected parties and the City during the Final Subdivision review process (the "**Water Facilities and Systems**"). Any and all such Water Facilities and Systems shall be constructed to not less than the specifications reasonably required by the City Engineer. Petitioner acknowledges that water impact fees will be collected by City in the same manner and in the same amount as with other development within municipal boundaries and that impact fees so collected will not be refunded to Petitioner or to individual building permit applicants developing within the proposed annexation area. Ownership of water rights will not affect the application of the Impact Fee Ordinance to the Property.

10. **Affordable Housing Requirement.** Affordable/employee housing shall be provided in a manner consistent with the City's Affordable Housing Resolution 20-07. The affordable housing requirement is 0.9 Affordable Unit Equivalent (AUE) determined by applying the requirement for 15% of the six dwelling units to be constructed. One dwelling unit currently exists on the property. The 0.9 AUE equates to 810 square feet of net livable space, as one (1.0) AUE is 900 square feet of net livable space. Payment of fees in lieu of development of affordable units on or off-site is allowed at the discretion of the Park City Housing Authority in compliance with the criteria stated in the City's Affordable Housing Resolution 20-07, with in-lieu fee to be calculated based on the formula identified in the City's Affordable Housing Resolution (25-12). Timing of the completion of affordable units and timing of payment of fees in lieu of development are subject to the requirements of Affordable Housing Resolution 20-07.

11. **Sustainable Development requirements.** All construction of dwelling units within the Final Subdivision shall utilize sustainable site design, development and building practices and otherwise comply with requirements of the SF Zone. Unless otherwise approved in the Final Subdivision plat, in compliance with the current Environmental/ Sustainability Element of the General Plan, each home in the development must receive National Association of Home Builders National Green Building Standards Silver (or higher) Certification (or other Green Building certification as approved by the Planning Commission at the time of the Final Subdivision plat approval) **OR** reach LEED for Homes Silver (or higher) Rating. Green Building Certification and LEED for Homes Silver rating criteria to be used shall be those applicable at the time of building permit application.

In addition to the builder achieving the aforementioned points on the Green Building or LEED for Homes Silver (or higher), certification checklists, in order to achieve water conservation goals, the builder must also either:

- Achieve at a minimum, the Silver Performance Level points within Chapter 8, Water Efficiency, of the National Association of Home Builders National Green Building Standards; **OR**
- Achieve a minimum combined 10 points within the 1) Sustainable Sites (SS 2) Landscaping and 2) Water Efficiency (WE) categories of the LEED for Homes Checklist; **OR**
- Achieve an equivalent water conservation standard applicable at the time of the building permit application.

Points achieved in these resource conservation categories will count towards the overall score. Application for the award certification and plaque commemorating LEED for Homes Silver (or higher) is at the discretion and expense of the Petitioner or individual Lot owner.

12. **Planning Review Fees.** Lot owners of lots within the proposed subdivision shall be responsible for all standard and customary, and generally-applicable planning, building, subdivision and construction inspection fees imposed by the City in accordance with the Park City Land Management Code and the Park City Municipal Code.

13. **Impact and Building Fees.** Lot owners of lots within the proposed subdivision shall be responsible for all standard and customary, and generally-applicable, fees, such as development, impact,

park and recreation land acquisition, building permit and plan check fees due and payable for construction on the Property at the time of application for any building permits. Ownership of water rights shall not change the application of the Impact Fee Ordinance to the Property.

14. **Acceptance of Public Improvements.** Subject to fulfillment of all the conditions of the Subdivision Ordinance and, further, Park City's final approval of the construction of any such public improvements, those water facilities, utilities, fire hydrants, and easements as may be agreed by Parties in connection with the Final Subdivision Plat review and approval process (the "**Public Improvements**"), shall be conveyed and dedicated to the City, for public purposes.

15. **Snow Removal and Storage.** Snow removal from private roads shall be the responsibility of the Property Owners. Park City shall not be obligated to remove snow from private sidewalks unless the sidewalks are classified as part of a community trail system and incorporated into the City wide snow removal program. Public snow storage easements shall be provided along Payday Drive and identified on the Final Subdivision plat to be located within the ten foot (10') public easement described in paragraph 4.

16. **Fiscal Impact Analysis.** The Fiscal Impact Analysis, prepared by Alliance Engineering for the Petitioner dated January 24, 2012 and updated with the revised preliminary subdivision plat prior to the September 26th, 2012 Planning Commission meeting, has been reviewed by the Planning Staff and Planning Commission. The Fiscal Impact Analysis concludes that the Annexation will not result in an overall negative impact on the City or School District. The analysis includes revenue and cost assumptions related to the Annexation and development of the Property, concludes a possible net fiscal gain to the School District is possible, based on the increase in property tax revenue for a mix of primary and secondary homes.

17. **Traffic Mitigation.** A review and analysis of impacts of the development on neighboring streets and major intersections was submitted with the Annexation petition. No mitigation measures are proposed due to the low density and low level of impact of the proposed development on local streets and at major intersections.

18. **Lease Agreement for Use of the PCMC Parcel.** A separate agreement will be entered into by Petitioner and PCMC ("Lease Agreement") for the use of the PCMC Parcel by Petitioner. All use of the PCMC Parcel shall be consistent with the March 24, 2005 Deed of Conservation Easement by and between Park City Municipal Corporation and in favor of Summit Land Conservancy (**Exhibit D**).

19. **Effective Date.** This Annexation Agreement is effective upon recordation of the annexation plat and the filing and recordation of the annexation ordinance, and further, the City provides notice of the recordation to the parties of this Annexation Agreement.

20. **Governing Law; Jurisdiction and Venue.** The laws of the State of Utah shall govern this Annexation Agreement. The City and Petitioner agree that jurisdiction and venue are proper in Summit County.

21. **Real Covenant, Equitable Servitude.** This Annexation Agreement constitutes a real covenant and an equitable servitude on the Property. The terms of this Agreement touch and concern and both benefit and burden the Property. The benefits and burdens of this Agreement run with the land,

and are intended to bind all successors in interest to any portion of the Property. This Agreement, a certified copy of the ordinance approving the Annexation (**the "Annexation Ordinance"**), and the Annexation Plat shall be recorded in the County Recorder's Office of Summit County, Utah.

22. **Assignment.** Neither this Agreement nor any of the provisions, terms or conditions hereof may be assigned to any other party, individual or entity without assigning the rights as well as the responsibilities under this Agreement and without the prior written consent of the City, which consent shall not be unreasonably withheld, conditioned or delayed. Any such request for assignment may be made by letter addressed to the City and the prior written consent of the City may also be evidenced by letter from the City to Petitioner or its successors or assigns; provided that, notwithstanding the foregoing, the City hereby consents to the assignment of the rights and responsibilities, and the benefits, of this Agreement, in whole or in part, upon written notice to the City; and provided that, in connection with and to the extent of any such assignment, Petitioner shall not have any further rights or responsibilities under this Agreement as and to the extent accruing from and after the date of any such assignment.

23. **Compliance with City Code.** Notwithstanding Paragraph 19 of this Agreement, from the time the Park City Council (the "**City Council**") approves of this Agreement and upon completion of the Annexation by recordation of the annexation plat with the County Recorder's Office of Summit County, Utah, the Property shall be subject to compliance with any and all City Codes and Regulations pertaining to the Property.

24. **Full Agreement.** This Agreement, together with the recitals and exhibits attached to this Agreement (which are incorporated in and made a part of this Agreement by this reference), and the written agreements expressly referenced herein, contain the full and complete agreement of the Parties regarding the Annexation of the Property into the City. Only a written instrument signed by all Parties, or their successors or assigns, may amend this Annexation Agreement.

25. **No Joint Venture, Partnership or Third Party Rights.** This Agreement does not create any joint venture, partnership, undertaking or business arrangement among the Parties. Except as otherwise specified herein, this Agreement, the rights and benefits under this Agreement, and the terms or conditions hereof, shall not inure to the benefit of any third party.

26. **Vested Rights.** Subject to the provisions of this Agreement, Petitioner (or its assigns) shall have the right to develop and construct the proposed Subdivision in accordance with the uses, density, and configuration of development approved in the Final Subdivision plat when approved, subject to and in compliance with other applicable ordinances and regulations of Park City.

27. **Nature of Obligations of Petitioner.** Applicant is liable for performance of the obligations imposed under this Agreement only with respect to the portion of property which it owns and shall not have any liability with respect to the portion of the property owned by the City.

28. **Severability.** If any part or provision of this Annexation Agreement shall be determined to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, then such a decision shall not affect any other part or provision of this Annexation Agreement except that specific provision determined to be unconstitutional, invalid, or enforceable. If any condition, covenant or other

provision of the Annexation Agreement shall be deemed invalid due to its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by the law.

IN WITNESS WHEREOF, the parties hereto have executed this Annexation Agreement as of the 4 day of MARCH, 2013.

(Signatures begin on following page)

PARK CITY MUNICIPAL CORPORATION,
A political subdivision of the State of Utah

By: *Dana Williams*
Dana Williams, Mayor

Dated this 4 day of MARCH, 2013.

ATTEST: City Clerk

By: *Janet Scott*
Janet Scott, City Recorder

Dated this 4 day of MARCH, 2013.

APPROVED AS TO FORM:

Mark Daley
Thomas A. Daley, Sr., Deputy City Attorney

Dated this 4 day of MARCH, 2013.



FRANKLIN D. RICHARDS, JR. FAMILY TRUST (DECEMBER 24, 2002), Petitioner

By: *Franklin D. Richards*

Name: FRANKLIN D. RICHARDS JR.

Dated this 4 day of MARCH, 2013

Acknowledgement (notary)

Exhibits

- A. Annexation Plat
- B. Legal Descriptions
- C. Preliminary Subdivision plat
- D. Deed of Conservation Easement
- E. Water Agreement (recorded separately)
- F. Zoning Map Amendment

SURVEYOR'S CERTIFICATE

I, John Denkowski, certify that I am a Registered Land Surveyor and that I hold Certificate No. 154451, as prescribed by the laws of the State of Utah, and that this plat accurately describes and establishes the boundary as provided within the boundary of the RICHARDS/PCMC ANNEXATION petition.

John Denkowski LS 154451
Date 3-4-2013



BOUNDARY DESCRIPTION

PARCEL 1 (RICHARDS)
A parcel of land located in the north half of Section 5 and the north half of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at point that is North 00°24'31" East 76.76 feet along section line and North 89°53'23" West 2216.84 feet from the southwest corner of Section 2, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being located on the north boundary of Thayne's Creek Ranch 14, recorded July 11, 1980, as Entry No. 343588 in the office of the recorder, Summit County, Utah, and running thence using said subdivision boundary the following two courses: (1) North 89°53'23" West 188.3 feet, thence (2) South 00°06'37" West 128.30 feet to a point on the westerly right-of-way of Payday Drive as shown on Thayne's Canyon Subdivision plat, recorded July 26, 1997, as Entry No. 115823 in the office of the recorder, Summit County, Utah, thence along said right-of-way the following four (4) courses: (1) North 89°53'23" West 128.02 feet to a point on a curve to the left having a radius of 347.50 feet, at which the radius point bears South 00°06'37" West, thence (2) along the arc of said curve 92.37 feet using a central angle of 102°00' to a point of tangent to the right having a radius of 292.50 feet, at which the radius point bears North 10°19'21" West, thence (3) westerly along the arc of said curve 53.26 feet through a central angle of 102°00', thence (4) North 89°53'23" West 238.02 feet, thence North 00°06'37" East 15.83 feet to the southwest corner of Iron Canyon Subdivision, recorded October 26, 1983, as Entry No. 212520 in the office of the recorder, Summit County, Utah, thence along said subdivision boundary North 00°06'37" East 288.65 feet to a point on the southerly boundary of the Annexation and zoning Plat of the Post Property, recorded March 17, 1994, as Entry No. 400284 in the office of the recorder, Summit County, Utah, thence along the post boundary the following two (2) courses: (1) South 89°53'23" East 139.26 feet, thence (2) North 00°06'37" East 234.05 feet to a point on the southerly boundary of Aspen Springs Ranch, Plots 1 Subdivision, recorded October 30, 1991, as Entry No. 348913 in the office of the recorder, Summit County, Utah, thence along said subdivision boundary the following six (6) courses: (1) South 89°53'23" East 89.24 feet, thence (2) North 89°53'23" East 12.77 feet, thence (3) North 00°07'58" East 165.28 feet, thence (4) North 04°09'48" East 123.83 feet, thence (5) North 00°07'58" West 268.07 feet, thence (6) South 89°53'23" East 20.55 feet to a point on the westerly boundary of Park City Municipal Corporation parcel PCA-103-C-X, thence along said parcel boundary the following two (2) courses: (1) South 00°07'58" West 16.15 feet, thence (2) South 89°53'23" East 218.19 feet, thence South 00°06'37" East 652.83 feet, thence South 89°53'23" East 187.36 feet, thence South 00°06'37" West 879.15 feet to the point of beginning. Description contains 13.72 acres.

PARCEL 2 (PARK CITY MUNICIPAL CORPORATION)

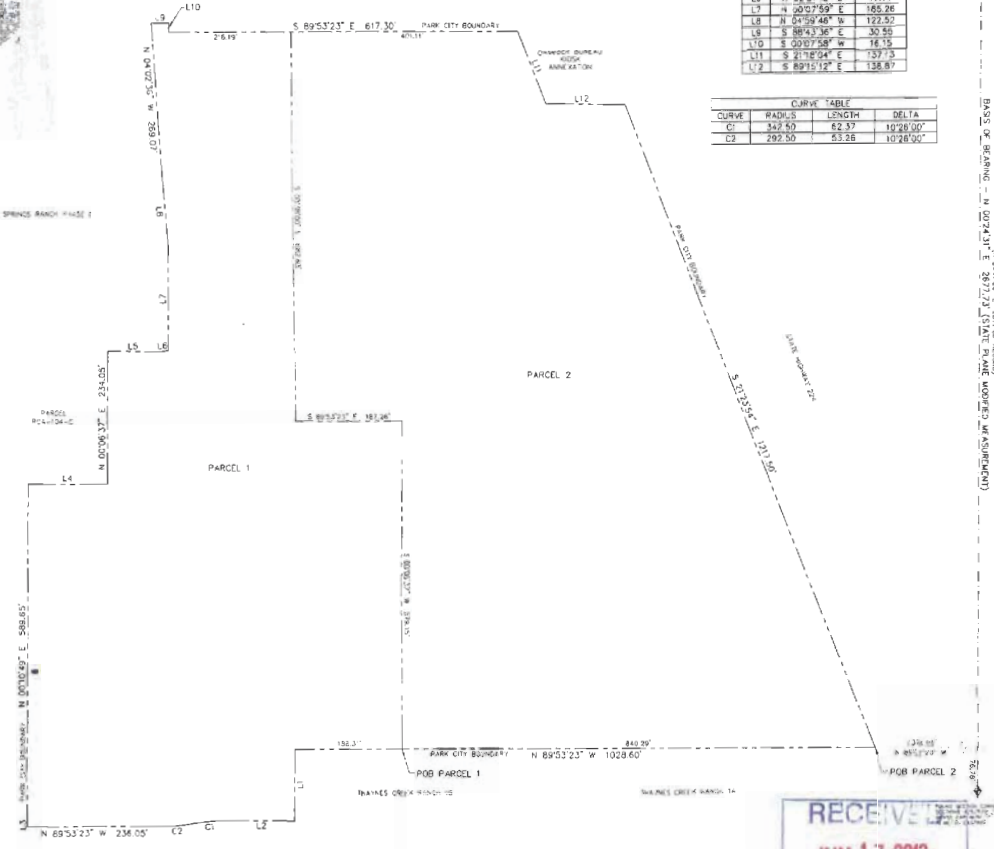
A parcel of land located in the southwest quarter of the southeast quarter of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at point that is North 00°24'31" East 76.76 feet along section line and North 89°53'23" West 1376.52 feet from the southwest corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being on the north boundary of Thayne's Creek Ranch 14, recorded July 11, 1980, as Entry No. 343588 in the office of the recorder, Summit County, Utah, and running thence along the north boundary of Thayne's Creek Ranch 14 North 89°53'23" West 840.29 feet, thence North 00°06'37" East 579.13 feet, thence North 89°53'23" West 187.36 feet, thence North 00°06'37" West 682.83 feet to a point on the southerly boundary of Park City Municipal Corporation parcel PCA-103-C-X, thence along said parcel boundary South 89°53'23" East 401.11 feet to a point on the westerly boundary of the Chamber Range Ridge Annexation Plat, recorded January 2, 1989, as Entry No. 244420 in the office of the recorder, Summit County, Utah, thence along said plat boundary the following two (2) courses: (1) South 21°18'04" East 137.13 feet, thence (2) South 89°53'23" East 136.87 feet to the westerly right-of-way of State Highway 224, thence along said right-of-way South 21°23'54" East 127.50 feet to the point of beginning. Description contains 19.74 acres.



VICINITY MAP

UPPER SPRINGS RANCH PHASE I



RICHARDS/PCMC ANNEXATION

LOCATED IN THE SOUTH HALF OF SECTION 5 AND THE NORTH HALF OF SECTION 8
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



FILE NO. S0007775

SHEET 1 OF 1

COUNTY SURVEYOR FILING STATE OF UTAH COUNTY SUMMIT

APPROVED AS TO FORM SUMMIT COUNTY SURVEYOR

APPROVED IN COMPLIANCE WITH SECTION 17-23-20 OF THE UTAH CODE THIS 12 DAY OF March 2013 A.D.

BY Wade Wille ACTING SUMMIT COUNTY SURVEYOR

PLANNING COMMISSION FORWARDED A RECOMMENDATION THIS 9 DAY OF January 2013 A.D.

BY THE PARK CITY PLANNING COMMISSION

ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION FILED IN MY OFFICE THIS 12 DAY OF March 2013 A.D.

BY [Signature] PARK CITY ENGINEER

CITY ATTORNEY APPROVED AS TO FORM THIS 14 DAY OF March 2013 A.D.

BY [Signature] PARK CITY ATTORNEY

CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 31 DAY OF January 2013 A.D.

BY [Signature] PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE #967797

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 31 DAY OF January 2013 A.D.

RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF Park City Municipal Corporation

DATE 3/15/2013 TIME 2:18 PM BOOK 100 PAGE 100

EXHIBIT B

PARK CITY MUNICIPAL CORPORATION ANNEXATION

January 6, 2012

A parcel of land located in the southwest quarter of the southeast quarter of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at point that is North 00°24'31" East 76.78 feet along section line and North 89°53'23" West 1376.55 feet from the southeast corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being on the north boundary of Thaynes Creek Ranch 1A, recorded July 11, 1991, as Entry No. 343985 in the office of the recorder, Summit County, Utah; and running thence along the north boundary of Thaynes Creek Ranch 1A North 89°53'23" West 840.29 feet; thence North 00°06'37" East 579.15 feet; thence North 89°53'23" West 187.26 feet; thence North 00°38'00" West 682.83 feet to a point on the southerly boundary of Park City Municipal Corporation parcel PCA-103-C-X; thence along said parcel boundary South 89°53'23" East 401.11 feet to a point on the westerly boundary of the Chamber Bureau Kiosk Annexation Plat, recorded January 2, 1986, as Entry No. 244420, in the office of the recorder, Summit County, Utah; thence along said plat boundary the following two (2) courses: 1) South 21°18'04" East 137.13 feet; thence 2) South 89°15'12" East 138.87 feet to the westerly right-of-way of State Highway 224; thence along said right-of-way South 21°23'54" East 1217.50 feet to the point of beginning.

Description contains 19.74 acres.

X:\ThaynesCanyon-spm\docs\desc\2-pcmc annex.doc

RICHARDS ANNEXATION

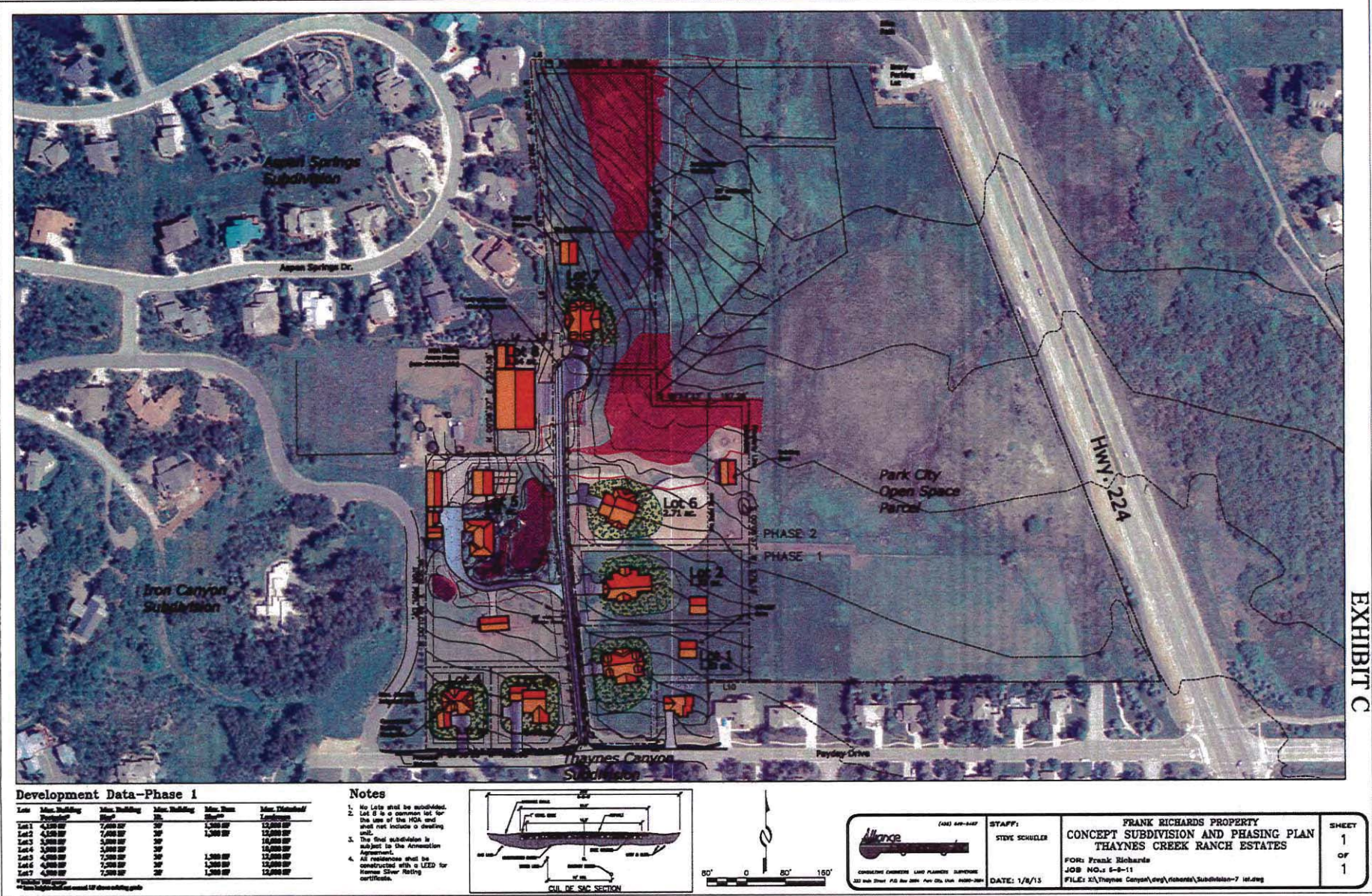
January 6, 2012

A parcel of land located in the south half of Section 5 and the north half of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at point that is North 00°24'31" East 76.78 feet along section line and North 89°53'23" West 2216.84 feet from the southeast corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being located on the north boundary of Thaynes Creek Ranch 1B Subdivision, recorded May 24, 1994, as Entry No. 400847 in the office of the recorder, Summit County, Utah; and running thence along said subdivision boundary the following two courses: 1) North 89°53'23" West 188.31 feet; thence 2) South 00°06'37" West 126.30 feet to a point on the northerly right-of-way of Payday Drive as shown on Thaynes Canyon Subdivision plat, recorded July 28, 1971, as Entry No. 113625 in the office of the recorder, Summit County, Utah; thence along said right-of-way the following four (4) courses: 1) North 89°53'23" West 120.02 feet to a point on a curve to the left having a radius of 342.50 feet, of which the radius point bears South 00°06'37" West; thence 2) along the arc of said curve 62.37 feet through a central angle of 10°26'00" to a point of reverse curve to the right having a radius of 292.50 feet, of which the radius point bears North 10°19'23" West; thence 3) westerly along the arc of said curve 53.26 feet through a central angle of 10°26'00"; thence 4) North 89°53'23" West 236.05 feet; thence North 00°10'49" East 15.65 feet to the southeast corner of Iron Canyon Subdivision, recorded October 28, 1983, as Entry No. 212520 in the office of the recorder, Summit County, Utah; thence along said subdivision boundary North 00°10'49" East 589.65 feet to a point on the southerly boundary of the Annexation and Zoning Plat of the Ross Property, recorded March 17, 1994, as Entry No. 400284 in the office of the recorder, Summit County, Utah; thence along said plat boundary the following two (2) courses: 1) South 89°53'23" East 139.26 feet; thence 2) North 00°06'37" East 234.05 feet to a point on the southerly boundary of Aspen Springs Ranch, Phase 1 Subdivision, recorded October 31, 1991, as Entry No. 349163 in the office of the recorder, Summit County, Utah; thence along said subdivision boundary the following six (6) courses: 1) South 88°45'51" East 89.24 feet; thence 2) North 82°51'16" East 17.77 feet; thence 3) North 00°07'59" East 185.26 feet; thence 4) North 04°59'46" West 122.52 feet; thence 5) North 04°02'36" West 269.07 feet; thence 6) South 88°43'36" East 30.55 feet to a point on the westerly boundary of Park City Municipal Corporation parcel PCA-103-C-X; thence along said parcel boundary the following two (2) courses: 1) South 00°07'58" West 16.15 feet; thence 2) South 89°53'23" East 216.19 feet; thence South 00°38'00" East 682.83 feet; thence South 89°53'23" East 187.26 feet; thence South 00°06'37" West 579.15 feet to the point of beginning.

Description contains 13.75 acres.

X:\ThaynesCanyon-spm\docs\desc\1-richards annex.doc



Recorded at the request of and return
to: Park City Municipal Corp.
Attn: City Recorder
P.O. Box 1480, Park City, UT 84060

EXHIBIT D
Fee Exempt per Utah Code
Annotated 1953 21-7-2

DEED OF CONSERVATION EASEMENT
Richards Ranch (SR 224)

THIS GRANT DEED OF CONSERVATION EASEMENT is made this 24th day of MARCH, 2005, by and between PARK CITY MUNICIPAL CORPORATION, a Utah municipal corporation having an address of 445 Marsac Avenue, Post Office Box 1480, Park City, UT 84060-1480 ("Grantor"), in favor of the SUMMIT LAND CONSERVANCY, a Utah non-profit corporation having an address of Post Office Box 1775, Park City, UT 84060 ("Grantee").

00730831 BK01688 PG00720-00730
ALAN SPRIGGS, SUMMIT CO RECORDER
2005 MAR 30 10:50 AM FEE \$1.00 BY GGB
REQUEST: PARK CITY MUNICIPAL CORP

WITNESSETH:

WHEREAS, Grantor is the sole owner in fee simple of approximately 20,000 acres (871,200 square feet) of real property located west of SR 224 in Park City, Summit County, Utah, described more particularly at Exhibit A, attached hereto and incorporated herein by reference (the "Property"); and

WHEREAS, the Property possesses natural, scenic, recreational, and visual open space values (collectively, "Conservation Values") of great importance to Grantee, the people of Park City, and the people of the State of Utah which are worthy of protection; and

WHEREAS, the Property is prominently visible from one of Park City's two entry corridors, namely SR 224; and

WHEREAS, the Property's proximity to Aspen Springs, the McPolin Farm, Willow Ranch, and the Huntsman Gateway open spaces is significant as it is part of a continuous corridor of open space on the sensitive SR 224 entry corridor; and

WHEREAS, at a November 3, 1998 special bond election, Park City voters authorized the issuance of general obligation bonds in an amount of ten million dollars for the express purpose of acquiring and forever preserving undeveloped park and recreational land; and

WHEREAS, the Property was purchased by Grantor using proceeds of the November 3, 1998 special bond election; and

WHEREAS, Grantor intends that the conservation values of the Property be preserved and maintained by the continuation of land use patterns, including, without limitation, those relating to visual open space existing at the time of this grant, that do not significantly impair or interfere with those values; and

WHEREAS, Grantor further intends as owner of the Property, to convey to Grantee the right to preserve and protect the conservation values of the Property in perpetuity; and

BK1688 PG0720

WHEREAS, Grantee is a publicly supported, tax-exempt charitable organization qualified under Sections 170(h) and 501(c)(3) of the Internal Revenue Code, whose primary purpose is the preservation, protection, or enhancement of land in its natural, scenic, historical, agricultural, forested, and/or open space condition; and

WHEREAS, Grantee agrees by accepting this grant to honor the intentions of Grantor stated herein and to preserve and protect in perpetuity the conservation values of the Property for the benefit of this generation and the generations to come;

NOW, THEREFORE, in consideration of the above and the mutual covenants, terms, conditions, and restrictions contained herein, which the Parties agree constitute adequate consideration for this agreement, and pursuant to the laws of the State of Utah and in particular Utah Code Annotated, Title 57, Chapter 18, Grantor hereby voluntarily grants and conveys to Grantee a conservation easement in perpetuity over the Property of the nature and character and to the extent hereinafter set forth ("Easement").

1. **Purpose.** It is the purpose of this Easement to assure that the Property will be maintained forever (predominately) in open and recreational use, protecting in perpetuity its scenic, open and undisturbed character and recreational value, and preventing any use of the Property that may significantly impair or interfere with the conservation values of the Property. Grantor intends that this Easement will confine the use of the Property to those activities that are consistent with the purpose of this Easement.

1.1 **Baseline Documentation.** To establish the present condition of the Property's agricultural, natural, scenic, recreational and/or other conservation resources and the Property's manmade features, so as to make possible the proper monitoring of future uses of the Property and to ensure compliance with the terms of this Easement, the Parties may prepare an inventory of the Property's relevant resources, features and conditions.

2. **Rights of Grantee.** To accomplish the purpose of this Easement the following rights are conveyed to Grantee by this Easement:

- a. To reserve and protect the conservation values of the Property;
- b. To enter upon the Property at reasonable times in order to monitor Grantor's compliance with and otherwise enforce the terms of this Easement; provided that such entry shall be upon prior reasonable notice to Grantor, and Grantee shall not unreasonably interfere with Grantor's use and quiet enjoyment of the Property;
- c. To enter upon the Property in the case of an emergency as determined by Grantee, in which event Grantee shall notify Grantor prior to entering onto the Property, if possible, or as soon thereafter as is reasonably practical;
- d. To prevent any activity on or use of the Property that is inconsistent with the purpose of this Easement and to require the restoration of such areas or features of

BK1688 PG0721

the Property that may be damaged by inconsistent activity or use, pursuant to Paragraph 6 herein; and

- e. To enforce this Easement by appropriate legal proceedings, after providing Grantor with reasonable notice and reasonable opportunity to cure.
3. **Prohibited Uses.** Any activity on or use of the Property inconsistent with the purpose of this Easement is prohibited. Without limiting the generality of the foregoing, the following activities and uses are prohibited in perpetuity on the Property:
- a. Construction of buildings, residences, mobile homes, or other structures, or any other permanent improvements for use for human habitation, constructed or placed in, on, under, or upon the Property; and
 - b. Any unanticipated use or activity on or at the Property which would significantly impair the conservation values of the Property, unless such use or activity is necessary for the protection of the conservation values that are the subject of this Easement, in which case such use or activity shall be subject to the prior approval of Grantee, which approval shall not be unreasonably withheld.
4. **Reserved Rights.** Grantor reserves to itself, and to its successors, and assigns, all rights accruing from their ownership of the Property, including the right to engage in or permit or invite others to engage in all uses of the Property that are not expressly prohibited herein and are not inconsistent with the purpose of this Easement. Without limiting the generality of the foregoing, Grantor expressly reserves the right to:
- a. Use the Property as undeveloped park and recreational land; and
 - b. Construct related amenities.
5. **Continuous Conservation Reserve Program (CCRP).** Part of the property is presently encumbered by a CCRP contract; dated June 1, 2003. The CCRP is a 15- year USDA - Farm Service Agency contractual agreement for the stream corridor that is enrolled is 180' from the stream embankment and the designated land classification is riparian buffer zone. The parties expressly agree that requirements of the CCRP contract are permitted during the CCRP's effective period. Both parties recognize the contract and will honor its terms for its effective period.
6. **Notice of Intent to Undertake Certain Permitted Actions.** The purpose of requiring Grantor to notify Grantee prior to undertaking certain permitted activities, as provided in Paragraph 4, is to afford Grantee an opportunity to ensure that the activities in question are designed and carried out in a manner consistent with the purpose of this Easement.

BK1688 PG0722

Whenever notice is required, Grantor shall notify Grantee not less than sixty (60) days prior to the date Grantor intends to undertake the activity in question:

- a. in writing; and/or
- b. by electronic notification. Electronic notification is sufficient with proof of receipt.

The notice shall describe the nature, scope, design, location, timetable, and any other material aspect of the proposed activity in sufficient detail to permit Grantee to make an informed judgment as to its consistency with the purpose of this Easement.

6.1 **Grantee's Approval.** Where Grantee's approval is required, as set forth in Paragraph 5, Grantee shall grant or withhold its approval in writing within sixty (60) days of receipt of Grantor's written request therefore. Grantee's approval may be withheld only upon a reasonable determination by Grantee that the action as proposed would be inconsistent with the purpose of this Easement.

7. **Grantee's Remedies.** If Grantee determines that Grantor is in violation of the terms of this Easement or that a violation is threatened, Grantee shall give written notice to Grantor of such violation and demand corrective action sufficient to cure the violation and, where the violation involves injury to the Property resulting from any use or activity inconsistent with the purpose of this Easement, to restore the portion of the Property so injured. Grantee and Grantor agree to mediate any dispute in a timely manner if the issue of a violation is disputed. If mediation is unsuccessful and Grantor fails to cure the violation within thirty (30) days after receipt of notice thereof from Grantee, or under circumstances where the violation cannot reasonably be cured within a thirty (30) day period, fail to begin curing such violation within the thirty (30) day period, or fail to continue diligently to cure such violation until finally cured, Grantee may bring an action at law or in equity in a court of competent jurisdiction to enforce the terms of this Easement, to enjoin the violation, *ex parte* as necessary, by temporary or permanent injunction, to recover any damages to which it may be entitled for violation of the terms of this Easement or injury to any conservation values protected by this Easement, including damages for the loss of scenic, aesthetic, or environmental values, and to require the restoration of the Property to the condition that existed prior to any such injury. Without limiting Grantor's liability therefore, Grantee, in its sole discretion, may apply any damages recovered to the cost of undertaking any corrective action on the Property. If Grantee, in its sole discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to the conservation values of the Property, Grantee may pursue its remedies under this Paragraph without prior notice to Grantor or without waiting for the period provided for cure to expire. Grantee's rights under this Paragraph apply equally in the event of either actual or threatened violations of the terms of this Easement, and Grantor agrees that Grantee's remedies at law for any violation of the terms of this Easement are inadequate and that Grantee shall be entitled to the injunctive relief described in this Paragraph, both prohibitive and mandatory, in

addition to such other relief to which Grantee may be entitled, including specific performance of the terms of this Easement, without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies. Grantee's remedies described in this Paragraph shall be cumulative and shall be in addition to all remedies not or hereafter existing at law or in equity. If Grantor prevails in any action to enforce the terms of this Easement, Grantor's costs of suit, including, without limitation, attorneys' fees, shall be borne by Grantee. If Grantee prevails in any action to enforce the terms of this Easement, Grantee's costs of suit, including, without limitation, attorneys' fees, shall be borne by Grantor.

- 7.1 **Grantee's Discretion.** Enforcement of the terms of this Easement shall be at the discretion of Grantee, and any forbearance by Grantee to exercise its rights under this Easement in the event of any breach of any term of this Easement by Grantor shall not be deemed or construed to be a waiver by Grantee of such term or of any subsequent breach of the same or any other term of this Easement or of any right or remedy upon an breach by Grantor shall impair such right or remedy or be construed as a waiver.
- 7.2 **Acts Beyond Grantor's Control.** Nothing contained in this Easement shall be construed to entitle Grantee to bring any action against Grantor for any injury to or change in the Property resulting from causes beyond Grantor's control, including, without limitation, fire, flood, storm, and earth movement, or from any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Property resulting from such causes.
8. **Access.** No right of access by the general public to any portion of the Property is conveyed by this Easement.
9. **Costs and Liabilities.** Grantor retains all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep, and maintenance of the Property, including the maintenance of adequate comprehensive general liability insurance coverage. Grantor shall keep the Property free of any liens arising out of any work performed for, materials furnished to, or obligations incurred by Grantor.
- 9.1 **Taxes.** Grantor shall pay before delinquency all taxes, assessments, fees, and charges of whatever description levied on or assessed against the Property by competent authority (collectively "taxes"), including any taxes imposed upon, or incurred as a result of, this Easement, and shall furnish Grantee with satisfactory evidence of payment upon request. Grantee is authorized but in no event obligated to make or advance any payment of taxes, upon ten (10) days prior written notice to Grantor, in accordance with any bill, statement, or estimate procured from the appropriate authority, without inquiry into the validity of the taxes or the accuracy of the bill, statement, or estimate procured from the appropriate authority, without inquiry into the validity of the taxes or the accuracy of the bill, statement, or estimate, and the obligation created by such payment shall bear interest until paid by Grantor at the lesser of two (2) percentage points over the prime rate of interest from time to time charged by Zion's Bank or the maximum rate allowed by law.

9.2 **Hold Harmless.** Grantor shall hold harmless, indemnify, and defend Grantee and its members, directors, officers, employees, agents, and contractors (collectively "Indemnified Parties") from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands or judgments, including, without limitation, reasonable attorneys' fees arising from or in any connection with: (1) injury to or the death of any person, or physical damage to any property, resulting from any act, omission, condition, or other matter related to or occurring on or about the Property, unless due solely to the negligence of any of the Indemnified Parties; (2) the obligations specified in Paragraphs 9 and 9.1; and (3) the existence or administration of this Easement.

10. **Extinguishment.** Grantee shall not voluntarily or willingly allow the extinguishment of any of the restrictions of this Easement, and if any or all of the restrictions of this Easement are nevertheless extinguished by a judicial or other governmental proceeding, any and all compensation received by Grantee as a result of the extinguishment shall be used by Grantee in a manner consistent with the conservation purposes of this Easement.

10.1 **Condemnation.** If the Easement is taken, in whole or in part, by exercise of the power of eminent domain, Grantee shall be entitled to compensation in accordance with applicable law.

10.2 **Amendment.** This Easement, including the prohibited uses and reserved rights, may be modified only by mutual written agreement of Grantor and Grantee. No amendment shall be made that will adversely affect the status of this Easement as a qualified conservation easement pursuant to Title 57, Chapter 18 of the Utah Code, nor Grantee's status as a publicly supported, tax-exempt charitable organization qualified under Sections 170(h) and 501(c)(3) of the Internal Revenue Code and applicable laws of the state of Utah. Any such amendment shall be consistent with the stated purposes of this Easement, shall not affect its perpetual duration, and shall not permit any impairment of the significant conservation values of the Property. Any such amendment shall be filed in the office of the Summit County Recorder.

11. **Transfer of Easement.** If Grantee determines that it no longer is able to perform its obligations or enforce its rights under this Easement, or that it no longer desires to enforce said rights, or if Grantee ceases to exist, or is otherwise prevented from enforcing its rights under this Easement, or if Grantee no longer qualifies as a qualified organization under Section 170(h) of the Internal Revenue Code of 1954, as amended (or any successor provision then applicable), Grantee may convey its rights and obligations under this Easement only to an organization that is a qualified organization at the time of transfer under Section 170(h) of the Internal Revenue Code of 1954, as amended (or any successor provision then applicable), and the applicable regulations promulgated thereunder, and authorized to acquire and hold conservation easements under State statute. Grantee shall require that the conservation purposes that this grant is intended to advance continue to be carried out. Grantee is hereby expressly prohibited from subsequently transferring the Easement, under any circumstances and whether or not for consideration, unless:

BK1688 PG0725

- a. Grantee, as a condition precedent of the transfer, requires that the conservation purposes which this Easement is intended to advance continue to be carried out;
 - b. The transferee is an organization qualifying at the time of transfer as eligible under Paragraph 170(h) of the Internal Revenue Code of 1954, as amended (or any successor provision then applicable) and regulations promulgated thereunder; and
 - c. Grantor and/or its successor in interest, at its sole discretion, either selected the transferee or consents in writing to the transfer.
12. **Grantor Transfer of Interest.** Grantor agrees to incorporate the terms of this Easement in any deed or other legal instrument by which he divests himself of any interest in all or a portion of the Property, including, without limitation, a leasehold interest. Grantor further agrees to give written notice to Grantee of the transfer of any interest at least twenty (20) days prior to the date of such transfer. The failure of Grantor to perform any act required by this Paragraph shall not impair the validity of this Easement or limit its enforceability in any way.
13. **Estoppel Certificates.** Upon request by Grantor, Grantee shall within twenty (20) days execute and deliver to Grantor any document, including an estoppel certificate, which certifies Grantor's compliance with any obligation of Grantor contained in this Easement and otherwise evidences the status of this Easement as may be requested by Grantor.
14. **Notices.** Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage prepaid, addressed as follows (or to such other address as either party from time to time shall designate by written notice to the other):
- To Grantee: **SUMMIT LAND CONSERVANCY**
Attn: Executive Director
Post Office Box 1775
Park City, UT 84060
- To Grantor: **PARK CITY MUNICIPAL CORPORATION**
Attn: City Recorder
445 Marsac Avenue
Post Office Box 1480
Park City UT 84060-1480
15. **Recordation.** Grantee shall record this instrument in timely fashion in the official records of Summit County, Utah, and may re-record it at any time as may be required to preserve its rights in this Easement.

BK1688 PC0726

16. General Provisions.

- a. Controlling Law. The laws of the state of Utah shall govern the interpretation and performance of this Easement.
- b. Liberal Construction. Any general rule of construction to the contrary notwithstanding this Easement shall be liberally construed in favor of the grant to affect the purpose of this Easement and the policy and purposes of Utah statute. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the purpose of this Easement that would render the provision valid shall be favored over any interpretation that would render it invalid.
- c. Severability. If any provision of this Easement, or the application thereof to any person or circumstance, is found to be invalid, the remainder of the provisions of this Easement, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.
- d. Entire Agreement. This instrument sets forth the entire agreement of the parties with respect to the Easement and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Easement, all of which are merged herein.
- e. No Forfeiture. Nothing contained herein will result in the forfeiture or reversion of Grantor's title in any respect.
- f. Joint Obligation. If more than one person or entity is the successor or assign of Grantor, the obligations imposed by this Easement upon Grantor shall be jointly and severally binding on each such person or entity.
- g. Successors. The covenants, terms, conditions, and restrictions of this Easement shall be binding upon, and inure to the benefit of, the parties hereto and their respective personal representatives, heirs, successors, and assigns and shall continue as a servitude running in perpetuity with the Property.
- h. Termination of Rights and Obligations. A party's rights and obligations under this Easement terminate upon transfer of the party's interest in the Easement or Property, except that ability for acts or omissions occurring prior to transfer shall survive transfer.
- i. Captions. The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction of interpretation.

BK1688 PG0727

- j. Counterparts. The parties may execute this instrument in two or more counterparts, which shall, in the aggregate, be signed by both parties; each counterpart shall be deemed an original instrument as against any party who has signed it. In the event of any disparity between the counterparts produced, the recorded counterpart shall be controlling.

TO HAVE AND TO HOLD unto Grantee, its successors, and assigns forever.

IN WITNESS WHEREOF Grantor and Grantee have set their hands on the day and year first above written.

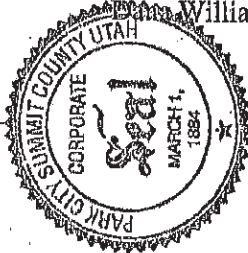
GRANTOR:

PARK CITY MUNICIPAL CORPORATION

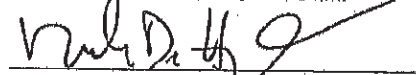

Dana Williams, Mayor

ATTEST:


Janet M. Scott, City Recorder



APPROVED AS TO FORM:


Mark D. Harrington, City Attorney

GRANTEE:

SUMMIT LAND CONSERVANCY

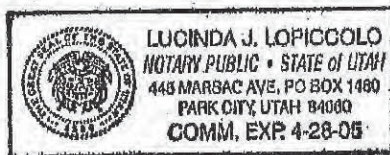

Jennifer Guetschow, Executive Director

BK1688 PG0723

Corporate Acknowledgment

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

On this 24th day of MARCH, 2005, personally appeared before me Jennifer Guetschow, whose identity is personally known to me/or proved to me on the basis of satisfactory evidence and who by me duly sworn (or affirmed), did say that she is the Executive Director of the SUMMIT LAND CONSERVANCY by Authority of its Bylaws/Resolution of its Board of Directors, and acknowledged to me that said corporation executed the same.



Lucinda J. Lopigolo
Notary Public

BK1688 PG0729

EXHIBIT A

Beginning at a point West 2403.70 feet, and North 655.95 feet from the Southeast Corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running Thence East 187.26 feet; thence South 577.14 feet to the North line of Thaynes Creek Ranch Subdivisions as recorded; thence East along said North line 831.89 feet to the West line of State Highway U-244; thence North $21^{\circ}12'$ West along said West line 1351.47 feet; thence West 539.30 feet; thence South $0^{\circ}44'37''$ East 682.93 feet to the point of beginning;

TOGETHER WITH all of the right, title and interest of Grantor in the right of use in and to 8.34% of the irrigation portion of the water and water rights included in the Weber River Decree Award No. 458 being sufficient water for the irrigation of 3.33 acres, or 10 acre feet, heretofore used for the irrigation of the above described lands, reserving unto the Grantor all remaining rights of the Grantor in and to the use of the water evidenced by the said Award No. 458.

SS 104-1-E 1/2

PCA 104-1-E 1/2

Excepting all area within 180 feet of the stream embankment covered in the CCRP Agreement.

Subject to all matters of record.

BK1688 PG0730

SPECIAL WARRANTY DEED

(Richards Property)

THE TRUST FOR PUBLIC LAND, a nonprofit California public benefit corporation, authorized to do business in Utah as TPL-Utah, whose principal business address is 116 New Montgomery, San Francisco, CA 94105 ("Grantor"), hereby CONVEYS AND WARRANTS against the Acts of the Grantor only to PARK CITY MUNICIPAL CORPORATION, a municipal corporation and political subdivision of the State of Utah ("Grantee") for the sum of TEN DOLLARS and other good and valuable consideration the following described tract of land in Summit County, State of Utah, to wit:

Beginning at a point West 2403.70 feet and North 655.95 feet from the Southeast Corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and running thence East 187.26 feet; thence South 577.14 feet to the North line of Thaynes Creek Ranch Subdivisions as recorded; then East along said North line 831.89 feet to the West line of State Highway U-224; thence North 21° 12' West along said West line 1351.47 feet; thence West 539.30 feet; thence South 0° 44' 37" East 682.93 feet to the point of beginning ("Property");

Together with all of the right, title and interest of Grantor in the right to use in and to 8.34% of the irrigation portion of the water and water rights included in the Weber River Decree Award No: 458 being sufficient water for the irrigation of 3.33 acres, or 10 acre feet, heretofore used for the irrigation of the above described lands, being all of Grantor's water rights received from its predecessor in interest.

SUBJECT TO the covenant that the Property shall be restricted in perpetuity to use as undeveloped park and recreational land and amenities.

SUBJECT TO all easements, covenants, restrictions, rights of way and reservations appearing of record as set forth in Exhibit "A" attached hereto, and taxes for the year 1999 and thereafter.

IN WITNESS WHEREOF, the Grantor has caused its corporate name to be hereunto affixed by its duly authorized officers this 27 day of August, 1999.

THE TRUST FOR PUBLIC LAND

By: *[Signature]*

Name: *Ted O. Hansen*

Title: *Vice President*

WARRANTY DEED - Page 1

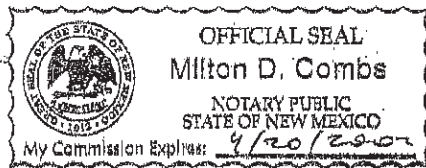
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9-1600
ALAN SPRIGGS: SUMMIT CO RECORDER
1999 AUG 31 09:20 AM FEE \$14.00 BY DMC
REQUEST: FIRST AMERICAN TITLE CO UTAH

aug → 99-08276

ACKNOWLEDGMENT

STATE OF NEW MEXICO)
) ss.
COUNTY OF SANTA FE)

This instrument was acknowledged before me on August 27, 1999, by TEP.O. HARRISON, the VICE PRESIDENT of The Trust for Public Land, a nonprofit California public benefit corporation, on behalf of said corporation.



[Signature]
Notary Public

My Commission Expires:

4/20/2002
(SEAL)

00547638 Bk01235 Pg01141

EXHIBIT D

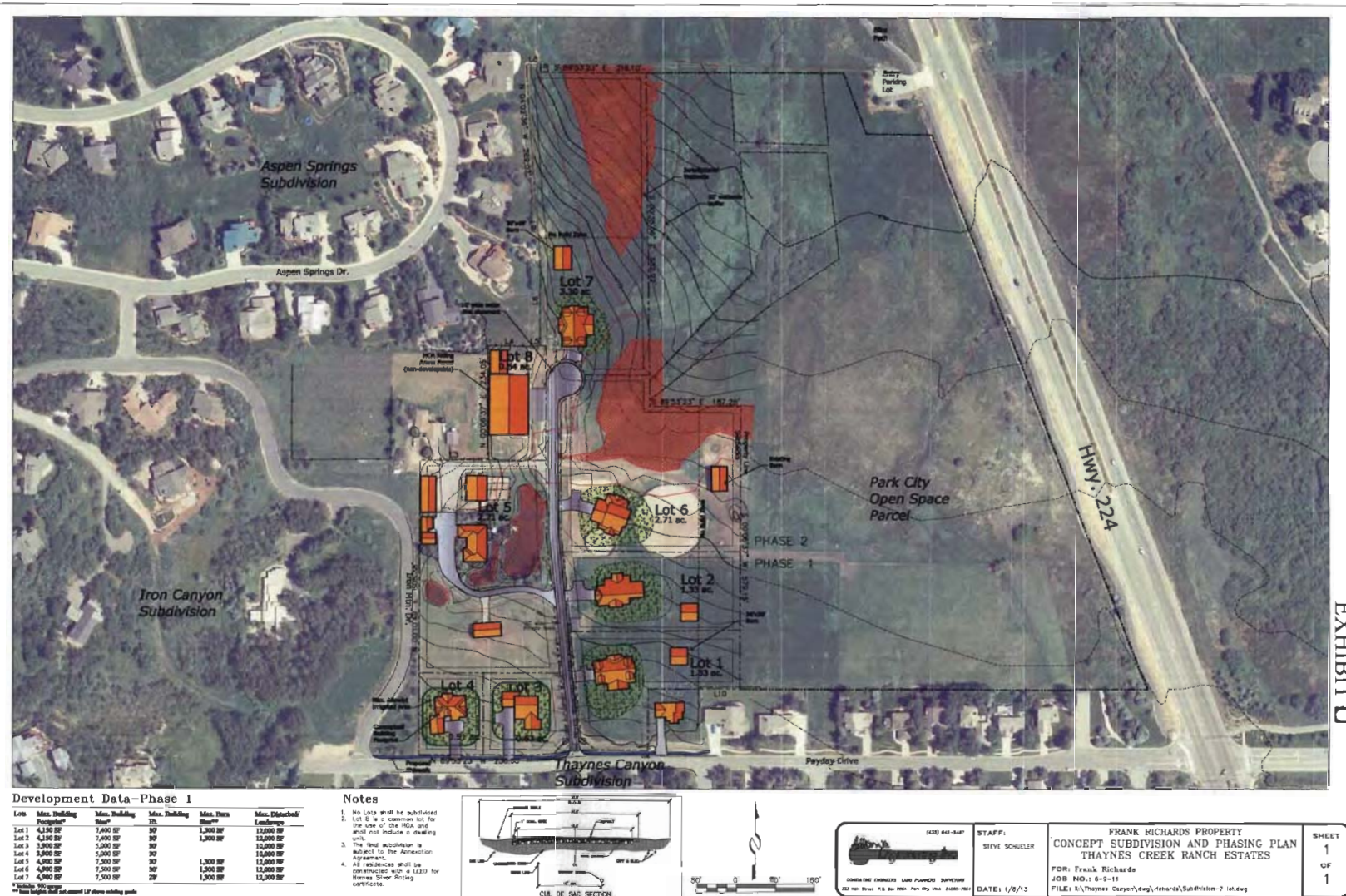


EXHIBIT E

Exhibit H - House Size Comparison in the Neighborhood

Subdivision	Lot sizes	Floor Area/Foot print	Garage	Total Area	Height
Thayne's Creek Ranch II	0.31 acre	3,400 sf- not including garage	600 sf	4,000 sf	28' plus 5' for pitched roof
Thayne's Small	0.20 acre	Not restricted	n/a	Not restricted (approx. 3,000 sf)	28' plus 5' for pitched roof
Thayne's Canyon	0.18- 0.25 acre	Not restricted	n/a	Not restricted (listings range from 2,750 sf to 7,500 sf)	28' plus 5'
Iron Canyon	0.40 to 5.5 acres	Not restricted - 4,000 sf footprint	included	8,000 sf (footprint x 2)	28' plus 5'
Aspen Springs	0.35 to 0.80	5,500 sf	500 sf	6,000 sf	28' plus 5' (some restricted to 30' total ht to ridge)
	4.82 acres ranch lot 1	8,000 sf	500 sf	8,500 sf	
Richards Lots 1 and 2	1.29 acres	4,200 sf footprint	included	6,250 sf	28' max
Richards Lots 3 and 4	0.51 and 0.63 acre	4,000 sf footprint	included	6,000 sf	28' max
Richards 5 and 6	2.69 and 3.48 acres	4,200 sf	included	6,500 sf	28' max

VICINITY MAP



THAYNES CREEK RANCH ESTATES ROAD AND UTILITY DESIGN 2013

SHEET INDEX

1. ROAD PLAN AND PROFILE
2. SEWER PLAN AND PROFILE
3. WATER PLAN
4. DETAILS



PREPARED FOR
FRANK RICHARDS
510 PAY DAY DRIVE
PARK CITY, UTAH 84060

GENERAL NOTES

6-1 ALL WORK PERFORMED SHALL BE DONE IN ACCORDANCE WITH THE FOLLOWING PLANS & SPECIFICATIONS:

- A. Park City Municipal Corporation Design Standards, Construction Specifications, and Standard Drawings, April 2007 or latest edition.
- B. Supplemental Design Manual (SDM) (S.B.R.D.) Development, Planning, Design Standards and Construction Specifications, April 16, 2012 or latest edition.
- C. Manual of Uniform Traffic Control Devices 2003 Edition, Revision #1 November 2004, Revision #2 December 2007.
- D. UDOT Standard Specifications for Road and Bridge Construction, latest edition. (for improvements in the UDOT right of way)
- E. Special conditions of approval and/or permits as required and/or issued by regulatory bodies.
- F. Approved construction plans and details.
- G. Storm Water Pollution Prevention Plan. (SWPPP)

6-2 Contractor/Owner shall provide a copy of the specifications, at the cost. Copies of the specifications shall be kept at the job site by the contractor and be available for the contractor, subcontractor, owner or his agent, design engineer, city engineer, S.B.R.D. engineer, Park City engineer, and their designated representatives and inspectors.

6-3 The Contractor shall be responsible for ground and surface water control during construction. The requirement shall include, but not be limited to the installation of silt fences, erosion control, sediment basins, and road construction.

6-4 The contractor shall maintain accurate records of "As Built" conditions of all underground work. The "As Built" shall be tied to clearly defined monuments and/or surface improvements or as required by the design conditions. The resultant information shall be given to the owner and be incorporated in the final "As Built" drawings. Special or field requirements for right-of-way limits are required per SBWRD Section 222.2.

6-5 Prior to any excavation work, the contractor shall contact Blue Sticks for location of existing utilities. The contractor shall be responsible for determining the location of utilities, whether above or below ground, and protecting the utilities during construction. If existing utility lines conflict in location with new construction, the contractor shall notify the engineer in order to resolve the conflict.

6-6 The contractor shall have a qualified representative to handle grade determination, drainage flow, and connections to existing features using proper grade setting techniques and the not rely on the use of GPS or Surveying.

6-7 All work performed shall be guaranteed by the contractor and/or his surety against all defects in materials and workmanship of whatever nature for a period of one (1) year from the date of final acceptance of the work by Utah Dynamic Regions.

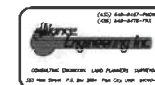
6-8 The contractor shall be responsible for the installation and maintenance of adequate signs, traffic devices, and warning devices to inform and protect the public during all phases of construction. The contractor shall submit to the Owner and Design Engineer for approval.

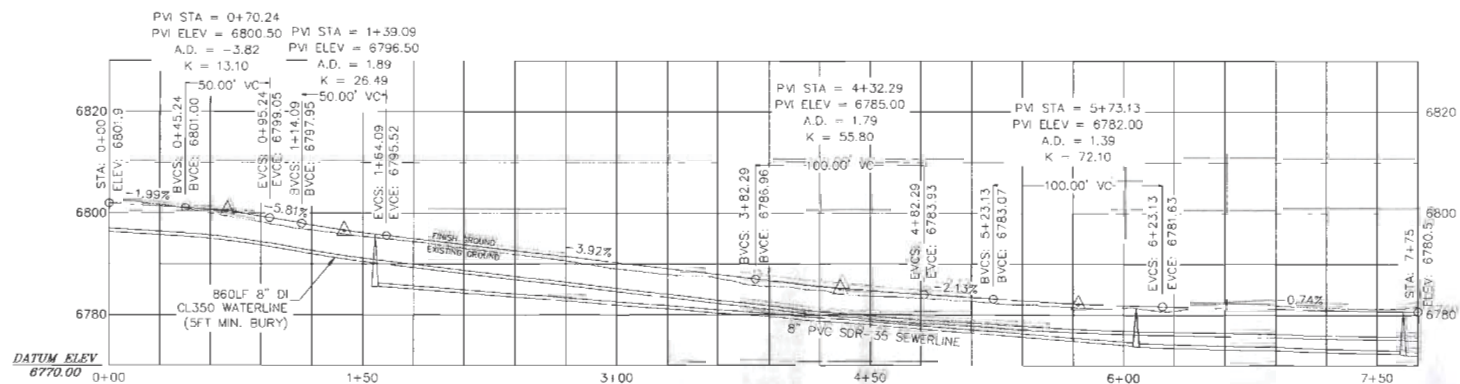
6-9 Construction testing shall be on integral part of the project. Construction testing shall include, but shall not be limited to soilwork, bench mark (BM), base courses, and compactness. Construction testing shall be performed by a qualified, independent testing company retained by the contractor.

6-10 The contractor shall be required to install the Park City Meter before working on the meter system. The work includes, but not limited to, the shutdown or isolation of the water system and connections to the existing water main, or existing waterline, with another utility.

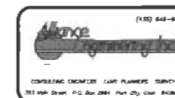


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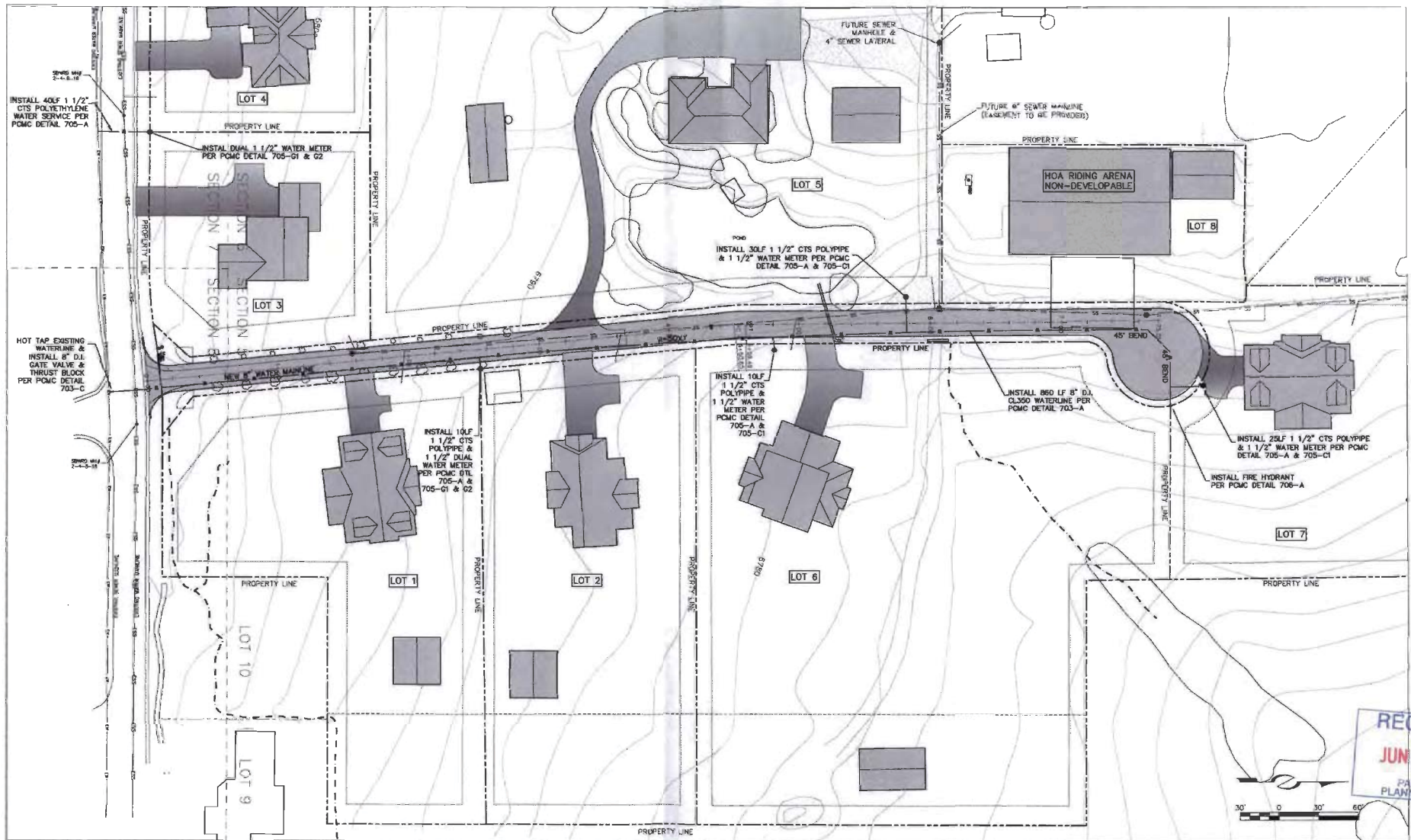
STAFF:
MICHAEL SIKOROWICZ
STEVE SCHUELER

RICHARDS SUBDIVISION
ROAD DESIGN
PLAN & PROFILE

FOR: FRANK RICHARDS
JOB NO.: 6-3-1
FILED: J. J. WATKINS, CAPTAIN, SPK, DOWD, RICHARDS, LITKA, CP, RICHARDS - DESIGN, INC.

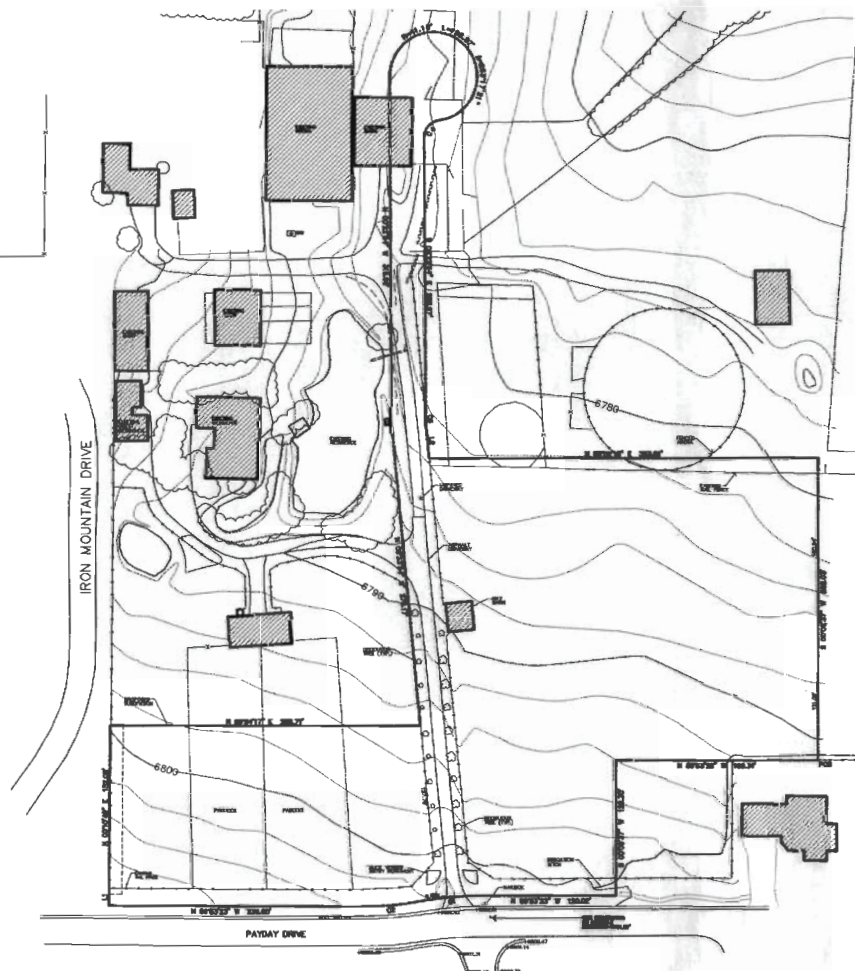
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PLANNING DEPT.

 CONSULTING ENGINEERS, LAND PLANNERS, SURVEYORS 222 MAIN STREET, F.O. BOX 2001, PARK CITY, UTAH 84002-0201	(435) 440-2467 STAFF: MICHAEL DEMKOWICZ STEVE SCHUELER	RICHARDS SUBDIVISION WATER DESIGN PLAN & PROFILE FOR: FRANK RICHARDS JOB NO.: 8-3-11 FILED: SALT LAKE COUNTY SPW/DWG/RICHARDS/LEA-CF/RICHARDS-DESIGN.DWG	SHEET 3 OF 4
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SURVEYOR'S CERTIFICATE

I, Martin A. Marten, do hereby certify that I am a registered land surveyor and that I hold certificate no. 4835736 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described herein. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.

NOTES

1. The boundary between lower and upper sections is 6800.07.
2. See record of survey for easements and restrictions.
3. This topographic map is based on a field survey performed on October 10, 2011.
4. The architect is responsible for verifying building methods, survey requirements and building heights.



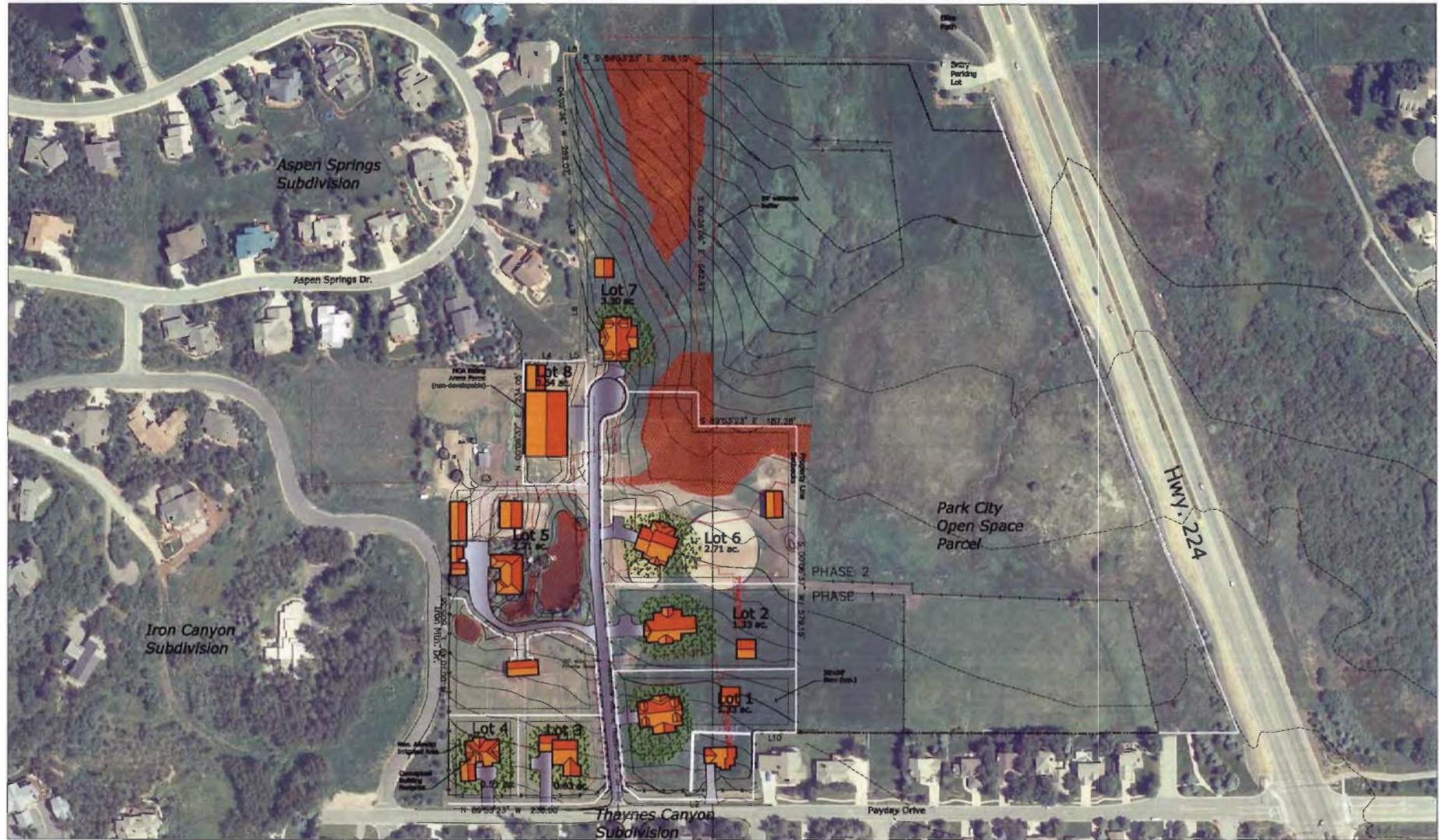
LINE	BEARING	DISTANCE
L1	N 00°00'40" E	15.85
L2	S 05°23'04" E	21.87

CURVE	RADIUS	LENGTH	DELTA
C1	342.30	63.37	167°00'
C2	202.80	33.58	107°00'
C3	116.00	19.58	067°00'
C4	16.74	22.88	181°28'
C5	84.00	7.80	081°00'



 (435) 640-0467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 201 Main Street, P.O. Box 2004, Park City, Utah 84060-2004	STAFF: MARSHALL BOND BLAKE MYERS MATTY MORRISON STEVE SCHUELLER	EXISTING CONDITIONS SURVEY RICHARDS FARM 510 PAYDAY DRIVE FOR: FRANK RICHARDS JOB# MO-1 0-9-11 FILES: X:\Theodore\compton-spr\dwg\lev\topo\X-0-9-12.dwg	SHEET 1 OF 1
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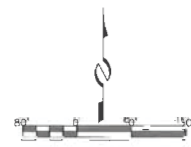
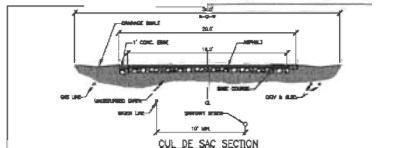
EXHIBIT G



Development Data-Phase 1

Lot	Max. Building Footprint	Max. Building Size*	Max. Bann Size	Max. Disturb./Landscaping
Lot 1	4,150 SF	7,400 SF	1,300 SF	12,000 SF
Lot 2	4,150 SF	7,400 SF	1,300 SF	12,000 SF
Lot 3	3,900 SF	5,000 SF	1,000 SF	10,000 SF
Lot 4	3,900 SF	5,000 SF	1,000 SF	10,000 SF
Lot 5	4,900 SF	7,500 SF	1,300 SF	12,000 SF
Lot 6	4,900 SF	7,500 SF	1,300 SF	12,000 SF
Lot 7	4,900 SF	7,500 SF	1,300 SF	12,000 SF

*Includes 900 garage



CONSULTING ENGINEERS AND PLANNERS SURVEYORS 222 Main Street, P.O. Box 2001, Park City, UT 84060-2001	(435) 849-8187 STAFF: STEVE SCHUELER	FRANK RICHARDS PROPERTY CONCEPT SUBDIVISION AND PHASING PLAN THAYNE'S CREEK RANCH ESTATES	SHEET 1 OF 1
	DATE: 1/8/13	FOR: Frank Richards	JOB NO.: E-2-11
	FILE: X:\Thayne's Canyon\ceng\richr04\Subdiv\01-7 lot.dwg	Fencing Plan	

**PARK CITY PLANNING COMMISSION
WORK SESSION MINUTES
MAY 9, 2012**

PRESENT: Charlie Wintzer, Brooke Hontz, Julia Pettit, Adam Strachan, Nann Worel, Thomas Eddington, Kirsten Whetstone, Polly Samuels McLean

WORK SESSION ITEMS

University of Utah Student Presentation of Wintzer Properties in Bonanza Park

Planning Director Thomas Eddington reported that the City has been working on the Bonanza Park Plan for a number of months. As they began to finalize the concepts for the plan, there was an opportunity to work with Professor Joerg Ruegemer and his students at the University of Utah Department of Architecture to see how they could fit organic development onto some of the existing structures in Bonanza Park. Some of the structures lend themselves well to being redeveloped and utilizing some of their air rights for affordable housing and sustainable housing. The purpose of this work session was to present the University of Utah Architectural Studio that the students had worked on this past semester.

Director Eddington noted that Professor Ruegemer partnered with Charlie Wintzer to look at some opportunities for using the air rights above his storage units on Iron Horse in Bonanza Park for this design studio.

Planner Kayla Sintz stated that this was the start of a great relationship the City hopes to have with the University of Utah on a number of different projects. She noted that the four projects displayed this evening were a sampling of the projects that went to the final jury. She commented on the outstanding work that was done by the U of U students. Director Eddington stated that there were a total of 12 projects with a wide variety of ideas.

Director Eddington introduced Joerg Ruegemer. Professor Ruegemer stated that he is from Germany. In his country they need to be very aware of space and everything is small in density. In Germany it is common to squeeze buildings into six feet wide gaps or to take over existing buildings. He noted that Park City wants to protect their character and keep their density. As more people come in, it is important to use existing spaces in a very smart way. Professor Ruegemer stated that the Wintzer's storage units were designed to withstand a heavy load, which makes them perfect for placing housing on top.

Professor Ruegemer explained that a four-month studio began in January. It was a combination of seminar and studio and the students had to learn how to design energy efficient buildings. Professor Ruegemer explained how the projects were started using a model of the entire Bonanza Park area that was redesigned from their own perspective. As opposed to tearing everything down, the students left everything in place and added to it. Professor Ruegemer stated that the beauty of European cities has grown over many centuries because the structures are not torn down. The existing structures are enhanced and made better.

Four students from the University of Utah presented their own project and answered questions. Each one explained how they designed their project over the storage units under the criteria of affordability, sustainability, livability, and maximizing the use of space. The driving force was

passive strategies and affordable housing.

Director Eddington stated that these students were four of twelve students who were all extraordinary to work with. The amount of thought that went into the projects surprised everyone on the jury, as well as those who attended the two studio sessions. Director Eddington stated that this exercise helped the City recognize things that they sometimes miss as they start looking at a world defined by Code. This was good timing as they continue to work through the Bonanza Park Plan.

Director Eddington thanked Charlie and Mary Wintzer for allowing the students to use their property for this project. Mary Wintzer felt it was a great opportunity since storage units have a bad reputation. For these students to see something new and possible has given everyone else a chance to think outside the box.

Ruth Meintsma wanted to know when these projects would become reality. Director Eddington remarked that it was only a design studio and the projects were designed in theory. However, the City could use these ideas as they move forward with the Bonanza Park Plan and other areas within the community.

Richards/PCMC Parcel – Annexation Petition (Application #PL-12-01482)

Planner Kirsten Whetstone reviewed the request for an annexation of two parcels into Park City. She identified the parcel that is owned by Park City Municipal Corporation and deed restricted for open space. On the west was a 14 acre parcel owned by Frank Richards that they would like to bring into Park City. Planner Whetstone noted that the property is completely surrounded on every boundary by the Park City Municipal Corporation. It is currently considered an island of County jurisdiction. Planner Whetstone stated that the General Plan and the State Code discourages this type of configuration in the City. The property has been sitting as an island for some time and she believed it was created in the late 1980's or 1990's as other pieces were annexed.

Planner Whetstone noted that the requested zoning for the City piece was ROS, Recreation Open Space. The requested zoning for the Richards piece is SF, Single Family, which is consistent with Aspen Springs, Iron Canyon and Thaynes Creek Ranch and the Thaynes Subdivision that surrounds the Park City golf course. Planner Whetstone pointed out that the parcel owned by PCMC would remain open space and no changes would occur. No access was proposed onto the highway or on to Payday Drive. The Richards family was proposing to subdivide the entire 14 acre parcel into five lots, with Lot 1 being a combination of annexation property plus the last 1.3 acre lot in the Thaynes Creek Ranches subdivision that is already in the City. She indicated two additional lots for single family. Lot 5 was for the existing structures and homes. Lot 4 would be for a future home. At this time there are no plans to develop Lot 4 and the Richards' would continue their horse training operations on that parcel. Planner Whetstone presented an overview of the zoning in the area.

Planner Whetstone stated that the affordable housing was based on 15% of any new residential. Since that equates to approximately 45% of an AUE, they could either build an AUE or pay an equivalent amount.

Planner Whetstone reported that there was no open space associated with the Richards parcel per se, other than the building pads would be identified and the remaining land would be left undeveloped and used to pasture horses. There had been some discussion about designating the area to the north as ROS since it is wetlands and cannot be developed.

Commissioner Pettit asked if the property owned by PCMC was purchased as part of the open space bond. Planner Whetstone replied that it was purchased with bonds and dedicated with a conservation easement in 1990.

Planner Whetstone commented on trails and noted that an existing sidewalk runs along the north side of Payday Drive and ends at the end of the subdivision. The Staff would recommend that the sidewalk continue all the way to Thaynes Canyon Drive. Planner Whetstone noted that the property is within the Park City Annexation area.

Planner Whetstone remarked that the applicant had provided significant information on wildlife, wetlands, sensitive lands, physical analysis, utilities, and traffic. Before the next meeting she would verify whether any of the structures qualify for the Park City Historic Sites Inventory. If any do qualify they would be added to the inventory.

Planner Whetstone reviewed the annexation review process. The final decision is made by the City Council following a public hearing and a recommendation by the Planning Commission.

Chair Wintzer clarified that if the property is annexed, it would come back to the Planning Commission as a subdivision plat. Planner Whetstone replied that this was correct. Chair Wintzer felt that questions regarding lot size and similar issues would be more appropriate at the subdivision process. Planner Whetstone remarked that the annexation agreement would guide the final plat. The Staff was thinking that building pads would be identified on the final plat, as well as house sizes and other restrictions. Chair Wintzer understood that the only parcels that would be subdivided were Lots 1, 2 and 3. He questioned why the applicant was not subdivide the entire parcel. He believed it would be cleaner to have it all done through the platting process.

Mr. Richards, the applicant, stated that he uses all the property and he plans to continue his horse operation on the remaining property. He was proposing to subdivide the three lots on Payday Drive at the present time. Each lot would be approximate 1-1/3 acres. The lots are large and whoever buys them could use them as equestrian lots. Mr. Richard remarked that he was not interested in subdividing the back portion at this time.

Chair Wintzer understood the existing use, but it was hard to annex property into the City without having the use defined. It would be easier for the Planning Commission to understand what the final use would be if it was all subdivided at one time. Mr. Richards replied that the use would be what the zone is and what goes on it. Planner Whetstone clarified that the final plat would follow the preliminary. She asked if Mr. Richards was talking about a final plat being in two phases. Mr. Richards stated that it may be four or five years before he is too old to ride and ready to subdivide the back portion.

Commissioner Pettit understood from the Staff report that the selection of the single family zoning designation was tied to the surrounding subdivisions. Even though what seems to be proposed is a much lower density subdivision and configuration, she was concerned that the zoning could allow a much more dense development in that area. Planner Whetstone stated that the intent has always been that there would be no more than five lots, and that would be noted on the subdivision plat. She explained that the SF zone was chosen because of the configuration of setbacks and no nightly rental. It is more consistent in terms of uses and it allows the horses.

Chair Wintzer asked Mr. Richards if he would be willing to annex the property into the City with no more than five lots on the property. Mr. Richards replied that it would not be a problem.

Assistant City Attorney McLean stated that there were a number of legal ways that would provide different levels of assurance. As part of the annexation agreement it could be limited to a certain number of properties such as the five lots currently proposed, and that would limit the density. Plat notes would have to go through the public process to be amended. Conceivably, the Annexation Agreement could go back to the City Council. Both are legislative acts and both could be done. If certain areas are designated to be zoned as ROS within the SF area, that would be another way to show their intention.

Commissioner Pettit stated that another element that may play into this from a developable standpoint was that she did not have a good understanding of the delineation of the wetlands, particularly on Lot 4. In looking at the acreage in the SF zoning, the number could be as high as 51, but that may not be true because of the wetlands.

Commissioner Strachan noted that Planner Whetstone had indicated that there might be historic structures. He was not familiar with this property and asked what those structures would be.

Planner Whetstone stated that there were two houses and some out barns. She was unsure when the houses were built. Mr. Richards stated that one home was built in 1978 and the other was built in 1984. Based on those dates, Planner Whetstone clarified that the structures would not be historic.

Mr. Richards questioned the limitation of the size of the dwelling. When he built the eight homes on Payday Drive fifteen years ago, it took seven hearings and five years to get those approved. People objected to the size of the homes and wanted to limit the size to approximately 2800 square feet. Mr. Richards stated that if he subdivides the property into 1-1/3 acre lots, he would not want to be restricted to 2800 square feet.

Chair Wintzer informed Mr. Richards that the house sizes would be addressed at the subdivision part of the process and not with the annexation. Mr. Richards stated that he may not want to annex if he is not allowed to build decent size homes. Chair Wintzer suggested that Mr. Richards discuss the size of homes with Staff and come to some understanding.

Commissioner Hontz noted that Planner Whetstone could tell Mr. Richards now what size home would be allowed per Code, based on the lot size and zoning. It would give Mr. Richards some understanding of what is allowed, and that could be tweaked at the subdivision. Planner Whetstone stated that in most zones there is not a house size limitation. She explained that the Staff would do

an analysis of the surrounding area to determine a compatible house size. In terms of restrictions, the Staff prefers a limitation on building footprint and let the height, the footprint and the architecture determine the house size.

Mr. Richards asked if the footprint was the same as a build pad. Planner Whetstone answered yes. Mr. Richards stated that he did not have a problem with the size of a building pad, but he might have a problem with the location of the building pad. If someone wants to use the lot for equine purposes, they may want to put the house near the front to allow for pasture in the back or possibly place the house to one side or the other. He understood that they would have to abide by the side yards and setbacks, but to force someone to put their home in the middle of the lot destroys the possibility of using it for horses. Chair Wintzer believed Mr. Richards could work out that issue with Staff. Planner Whetstone agreed. She pointed out that it was a discussion that should occur at the preliminary plat level. Mr. Richards pointed out that he was proposing to sell the lots and it would be difficult if the buyer did not have flexibility in locating their home on the lot. Chair Wintzer opened the public hearing.

Kevin McCarthy, a resident in Iron Canyon, stated that he has been a neighbor of the Richards' for 24 years and he attended a number of the hearings when Mr. Richards was proposing to build on Payday. Mr. McCarthy noted that all the people with small houses across the street have remodeled them into giant houses. His home looks down on the Richards' property and he was anxious to see a nice development.

Chair Wintzer closed the public hearing.

Commissioner Strachan suggested that Mr. Richards should see the Staff's compatibility analysis before deciding to move forward with the annexation. He thought Mr. Richards might be surprised at how restrictive the compatibility analysis may be. The surrounding houses may appear large, but someone who purchases an acre and a third lot may have a broader idea and would want a house much larger than the neighboring homes. If Mr. Richards is considering building homes that are much bigger in size than the surrounding homes, he should know that the size might be restricted if the property is annexed. Commissioner Strachan pointed out that the applicant has the option to decide whether or not to annex into the City, but they should have all the facts before making that decision.

Steve Schuler, with Alliance Engineering, understood that there was a square footage analysis consistent with the Single Family Zone, and asked if that was different from the compatibility analysis. Planner Whetstone stated that it was different from the Historic District where the lot size dictates the square footage. With a new subdivision, lot coverage would be the biggest issue.

Commissioner Strachan pointed out that once a property is annexed into the City there is no way out. Mr. Richards understood that fact, which is why he was concerned about a size limitation. He asked if the compatibility analysis would compare the homes in Iron Canyon. Planner Whetstone replied that the analysis would include Iron Canyon, Aspen Springs and Thaynes. It would also take the larger lots into consideration.

At the request of a neighbor, Chair Wintzer re-opened the public hearing.

Carol Cutter, a resident in the Thaynes Creek area liked the idea of equestrian lots, but she wanted to know what would happen if a buyer did not want to use it as an equestrian lot. She was concerned that someone would build a larger house because they would not need the space for horses. Ms. Cutter noted that the City open space parcel was directly behind her home and she wanted to know how subdividing would affect the rights for animal grazing and the existing activity on that property.

Planner Whetstone explained that a purchase agreement exists between Mr. Richards and the City and this annexation would not change that agreement. There is water that the City uses and Mr. Richards also uses some of that water to irrigate the pasture. He also has the ability to graze horses and cows.

Ms. Cutter asked if the same rights would go with the lots. Planner Whetstone replied that the new lots that would be created were not part of the purchase agreement. The use would remain the same. Mr. Cutter understood that the use would remain for Mr. Richards, but she wanted to know if the people who purchase the additional lots would also have that same use. Planner Whetstone was unsure and offered to look for an answer.

Mr. Richards stated that he has grazed horses and cattle on that land for 35 years. They are stewards of that property and every spring they clean the land and fertilize it and irrigate all summer long. When he sold the property to the City he sold them ten acre feet of water so the property could be kept green and presentable. He believed that was something positive that the City would like to continue.

Commissioner Strachan stated that an easement agreement with the City would allow that to continue. Planner Whetstone would review the purchase agreement with the Legal Department to make sure a new lot owner would have that ability. Commissioner Pettit thought it should be reviewed in the context of Ms. Cutter's question, which was whether or not the same rights afforded to Mr. Richards under his agreement with the City would transfer to the people purchasing the subdivided lots by virtue of their proximity.

From a procedural standpoint and assuming that the annexation gets approved, Mr. Schuler asked about the subdivision process. Chair Wintzer stated that the annexation and the subdivision could be done at the same time if requested by the applicant. As currently presented, if the property is annexed into the City it would come back at a later time for the subdivision. Chair Wintzer reiterated that it would be a cleaner review for the Planning Commission if the subdivision plat and the annexation came in at the same time. Chair Wintzer encouraged Mr. Richards to include Lots 4 and 5 at the same time; however, if he chooses not to do that, he would suggest limiting it to two lots so they could call out the wetlands to determine what areas could be built on.

Planner Whetstone noted that the final subdivision had not been submitted. The annexation process requires a preliminary plat or an MPD, and the review of an MPD or final plat is only supposed to occur if the project is annexed. She asked if there was leeway in the Code for the Planning Commission to review the annexation and the subdivision at the same time. Assistant City Attorney McLean believed it could be done extemporaneously. The annexation should be

scheduled as the first item followed by the subdivision as a separate application. Ms. McLean pointed out that the agenda for this evening only noticed the item as an annexation.

The Planning Commission reviewed the items for discussion on page 9 of the Staff report.

Chair Wintzer requested to see the wetlands designated so they would know which areas are possible for building. Mr. Schuler remarked that Dave Gardner had done a delineation on the Richards property, but the City property was not delineated because it was not for development. Planner Whetstone noted that numerous pages of appendices regarding the wetlands report were not included in the packet but it was posted on the website.

Commissioner Pettit stated that in addition to the purchase agreement, she would like to see the conservation easement and what it entails. She wanted to better understand the relationship between this parcel and the Richards property.

Planner Whetstone would also provide a lot analysis. Chair Wintzer pointed out that placing the houses closer to the cul-de-sac road would be nicer on the entry corridor. If there is an agreement to graze horses, he would like to see that continue. Chair Wintzer stated that the City spent a lot of money obtaining the Osguthorpe Farm and he would encourage equestrian activity.

Planner Whetstone asked if the Commissioners agreed that the proposed zoning designations were appropriate for the parcels and consistent with the surrounding neighborhood and purposes of the Land Management Code.

Commissioner Strachan suggested that the northern portion of Lot 4 may be more appropriate as ROS. He thought they should take a better look at the wetlands designation on the property. From what was shown in the Staff report, he believed much of that property would be restricted for building. The intent is to build on Lots 1, 2 and 3. Lot 5 already has structures on it and Lot 4 is separate and contains all of the wetlands. If Lot 4 or a portion of Lot 4 is zoned ROS, Commissioner Strachan preferred that it be straight legislative zoning as opposed to a plat amendment.

Mr. Schuler pointed out that there are utilities going to the north to access an existing Snyderville Basin sewer line in Aspen Springs. He was unsure if that would make a difference in zoning ROS. Planner Whetstone would look into it.

Planner Whetstone noted that the Planning Department sent over 600 letters to property owners and she had been answering emails and phone calls for two weeks. Most people wanted information, particularly regarding the open space. Planner Whetstone stated that when concerns were expressed, it was primarily from the lots in Aspen Springs that would back to that portion. Everyone wanted assurance that a house would not be built back there. There were no concerns about houses along Payday. If Lot 4 was developed, the preference was to put the house down by the existing lake.

Commissioner Strachan believed that most public opposition would come from those landowners because their views would be obstructed if homes were built in front of them. Appeasing the

neighbors was another reason to support the ROS designation. Mr. Schuler pointed out that designated wetlands would serve the same purpose.

Commissioner Pettit reiterated that she would be comfortable with the Single Family Zone designation, as long as they could limit the number of lots and control density in a way that protects the property from excessive development in the future. Planner Whetstone noted that Assistant City Attorney McLean had offered ways to accomplish that.

Planner Whetstone stated that the Staff would focus on the analysis. In addition, as they write up the annexation agreement and the conditions of approval of an annexation, they would focus on the location of building pads, building heights and design characteristics, mitigation of impacts to wildlife, wetlands or other sensitive lands. They would look at maintaining the rural, agricultural character. They would consider ROS zoning, compatibility with the neighborhood, providing pedestrian amenities and connectivity, compliance with affordable housing and provisions of the utility service and understanding the water component.

Commissioner Pettit commented on where this property is located and the goal tied to maintaining rural agricultural character, and how the current equestrian use of the property follows that goal. Commissioner Pettit asked if there was a way to create an incentive to make it attractive for potential buyers to maintain that agricultural rural use. She preferred to create the carrot versus the stick.

Chair Wintzer asked if the property was too small to zone as agricultural. If 80% of the lot was used to graze horses, a tax break may be the incentive to keep it rural agricultural. Mr. Richards was unsure about the City regulations, but the County requires five acres to maintain a Green Belt status. Mr. Schuler remarked that Green Belt status was one of the reasons for not including Lots 4 and 5 at this time.

Commissioner Strachan thought another way to incentivize people to use those lots agriculturally would be for the City to grant grazing rights under a non-CUP or through an expedited CUP process as part of the annexation agreement. It could be zoned for that use and included in the annexation agreement; and it would run with the land.

Mr. Richards stated that a right-of-way would be maintained on the north side of Lot 2 so people could ride down there and graze their horses. Planner Whetstone thought that raised the issue of public access. She would discuss it with the trails people and report back at the next meeting.

Chair Wintzer commended Mr. Richards for working with the City in the past. He thought annexing the property would be nice for the entry corridor. He encouraged Mr. Richards to continue with the annexation.

Commissioner Hontz thanked Mr. Richards for submitting a complete annexation petition. Because it is such a small subdivision and because the City will have the assurances and protections of plat notes, zoning changes and a subdivision at the same time, that would be reassuring enough for her to move forward in an expedited manner. Commissioner Hontz thought it was important for others to see that when an applicant submits what is required and tries to work with the Staff and the

Planning Commission, things can move as quickly as possible.

Commissioner Hontz stated that she started to look at some of the analysis and she actually had different assumptions. However, because the subdivision is so small, the assumptions that need to be changed would not make a difference in terms of affordable housing or fiscal impacts. She looked forward to having Mr. Richards come back at the next meeting.

The Work Session was adjourned.

meeting space consistent with the Deer Valley MPD. The enclosed meeting space will provide for more all season use of the area.

Conclusions of Law – Stein Eriksen Lodge

1. There is good cause for this amended record of survey.
2. The amended record of survey is consistent with the Park City Land Management Code, the 11th Amended Deer Valley MPD, and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed amended record of survey.
4. Approval of the amended record of survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – Stein Eriksen Lodge

1. The City attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The plat shall be recorded prior to issuance of a certificate of occupancy for the proposed meeting space.
4. All conditions of approval of the Deer Valley Master Planned Development (11th Amendment) shall continue to apply.
5. As common area, the meeting space is not a separate commercial unit or units, and as such may not be separately sold or deeded.
6. All required disturbance and impact fees will be calculated based on the building permit application and are required to be paid prior to issuance of a building permit.

**2. Richards/PCMC Parcel – Annexation Petition
(Application #PL-12-01482)**

Planner Kirsten Whetstone reviewed the request for an annexation of two parcels. One is the 9.74 open space parcel owned by Park City Municipal Corporation along Highway 224. The property is owned by the City but it is located in the County and under County jurisdiction. The second parcel is 13.5 acres commonly known as the Richards Farm. Planner Whetstone noted that the

application is the Richards/PCMC Annexation and the co-applicants are Frank Richards and Park City Municipal.

Planner Whetstone noted that the Planning Commission previously reviewed this application and the associated materials and exhibits. Since Commissioner Gross was not on the Planning Commission at the time, Planner Whetstone had provided him the same information to review for this meeting.

Planner Whetstone stated that the request was for ROS zoning on the City Parcel and SF, single family zoning, for the Richards parcel. The applicant was requesting a seven lot subdivision plat. Per City requirement, any large parcel annexation application must also include a master planned development. If the annexation area is less than the MPD requirement, the City requests a preliminary subdivision plat, which was submitted with this application.

Planner Whetstone presented the proposed preliminary subdivision plat. She noted that during the meeting on May 9th, the Planning Commission requested additional information on house sizes in the area, information regarding the conservation easement, wetlands delineated on the subdivision plat, and location of the building pads; taking into consideration the new required setbacks from the wetlands. Planner Whetstone clarified that a perpetual conservation easement has been provided on the City parcel with no density. The delineated wetlands were identified in orange on the preliminary subdivision plat and a dotted line 50 feet away from the red color were the required wetlands setback areas.

Planner Whetstone identified the changes made to the preliminary plat since the last meeting. One change was that Lot 1 had been reduced in size to 1.29 acres. Lots 3 and 4 were previously one single lot. The Staff would have been comfortable with the larger lot as an equestrian lot; however, the neighbors were concerned that it was not in character with existing development. The applicant was interested in having property in the area that was not horse property. Planner Whetstone remarked that another major change was the addition of Lot 7. Planner Whetstone noted that she had not received the revised preliminary site until after the packets were sent, which was why Lot 8 was not shown in the Staff report. Lot 8 was an approximately 3,000 square foot lot for an indoor riding arena. The applicant had originally talked about removing the arena; however, because it is equestrian property, he realized the arena would be an amenity. The indoor riding arena would be privately owned by the HOA as common area for the subdivision. The Staff recommended that there should be no density associated with Lot 8.

Planner Whetstone remarked that Mr. Richards had wanted the ability to further subdivide the property at a later time, not understanding that when an annexation is presented the City Council would require the density to be known at that time. If changes are made after the annexation, the annexation agreement would need to be amended. Planner Whetstone noted that Mr. Richards worked with Alliance Engineering to divide the first phase of this development. She identified the four lots that would be the first plats of the development.

Planner Whetstone requested Planning Commission input on discussion items outlined in the Staff report. No action was being requested this evening. The Staff recommended that the Planning Commission conduct a public hearing and continue the item to October 24, 2012.

Frank Richards, the applicant, introduced Steve Schuler with Alliance Engineering and Grant McFarlane, a friend and advisor. Mr. Richards commented on a letter he had sent to the Planning Commission outlining past history and his current proposal.

Mr. Richards stated that if Lot 7 is approved, he would clean up the area and remove the rolls of wire, culverts and fence gates and other items he has accumulated over the years that sit behind Mr. McDonald's lot. He also proposed to enclose Lot 7 and all the other proposed lots with white vinyl fencing similar to a farm/ranch atmosphere. Mr. Richards stated that he would also remove the pens behind the indoor arena that was used to house cattle. He would take out the old hay barn which adjoins the indoor arena to the right. It is a 35 year-old structure and still in good condition, but the road to lot 7 would go through where the hay barn is currently located. He would also remove the corrals and pens east of the hay barn and clean up that area. Mr. Richards presented photos he had taken and identified the pens and barns he would remove and the areas where they were located. He pointed out that the area would be cleaned up and the rear most lot would adjoin Lot 6. Each lot would be 3 acres.

Mr. Richards stated that he was persuaded to sell 20 acres of property to the City in 1999 because the City was anxious to maintain a view corridor coming into the Park City. He was not interested in selling at that time, but the City wanted to have control to avoid potential problems in the future. As a trade-off, the City allowed Mr. Richards to continue using the property. Mr. Richards noted that the two lots along Pay Day Drive were half acre lots, and larger than anything else in the neighborhood. The two lots on the east side of the lane were 1.25 acres. They would be horse lots and allowed two horses on each lot. Mr. Richards stated that it was the lot he lives on and the other two 3-acre lots. He was not opposed to maintaining open space and noted that a good portion of his farm has already gone into open space. The footprint on the 3-acre lots would be 5% of the total lot area, and the remainder would be open space. He was also interested in maintaining the equestrian character. Five of the lots would be eligible for horses. Mr. Richards thought the indoor arena should be retained as a place where people can ride in the winter time.

Mr. Richards thought his proposal was reasonable and met all the criteria. In addition to cleaning up the area, Mr. Richards proposes to keep the tree-lined lane and continue it back to Lot 7. He believed this proposal would be a great addition to the City.

Chair Worel noted that in the last sentence of his letter, Mr. Richards indicated that he would be happy to consider offers if someone wanted to purchase this parcel of land and maintain open space. She asked if Mr. Richards wanted to pursue a potential purchase before moving forward with the annexation.

Mr. Richards clarified that he has not had a purchase offer and he questioned whether anyone would make an offer. He noted that Aspen Springs would be the most impacted by Lot 7, and those neighbors support the proposal because it would benefit their property. Commissioner Gross asked if the cul-de-sac road coming in off of Pay Day would be a public or private road. Mr. Richards replied that it would be a private road, but it would still be required to meet certain standards. Regarding Lot 7, Commissioner Gross assumed Mr. McDonald had been living with the existing condition for a number of years. However, the proposed building envelope

for the house appears to be right in Mr. McDonald's face. Mr. Richards pointed out that Mr. McDonald's house sits farther up. Commissioner Gross noted that currently Lots 3 and 4 were showing 9,000 square foot as the maximum building, and he asked if that was still the correct size. Planner Whetstone replied that Lots 3 and 4 would be 3,525 sf footprints and 6,150 square feet as the approximate house size. She noted that the applicant had agreed to a maximum height of 28 feet on all of the lots. Mr. Richards stated that in looking at the height of the surrounding structures each one is 28 feet plus 5 feet. He suggested that a 30-foot maximum height was reasonable, considering that it was 3-feet lower than all other structures.

Commissioner Gross commented on a for-sale sign on Pay Day next to Lot 10. Once they superimpose what a house would look like on that lot, he questioned whether the proximity of the side yards would be tight with Lot 1 and the adjacent house. Planner Whetstone explained that the lot is already in the City and it was part of another subdivision. Mr. Richards stated that Kevin McCarthy had purchased Lot 10, which was in the previous annexation and a recorded plat. Commissioner Gross clarified that his issue was with the open lot next to Lot 10. He no longer had an issue knowing that the City owns the property. Planner Whetstone pointed out that Lot 10 is part of the Thaynes Creek Phase 2 Subdivision. Mr. Gross was concerned that once a house is built on the lot, it would look tight compared to the Estate size lots that were being created for the adjacent subdivision.

Commissioner Gross appreciated the open space and believes it is a wonderful view corridor.

Steve Schuler, with Alliance Engineering, stated that the house sizes and landscaped areas in the exhibit were only to convey the approximate sizes being proposed in terms of building square footages. It was not necessarily the location of the building envelope that would be part of the plat per se.

Commissioner Gross asked about the locations of the barns. Mr. Richard stated that he spoke with Mr. Jorgensen, the owner of Lot 9 who would be affected, and he had no problems with it. His house sits up high and he likes the livestock.

Commissioner Wintzer pointed out that the Planning Commission was looking at an annexation. Questions regarding density, house size, roads, utilities, etc. should be addressed in the subdivision process rather than the annexation process. Planner Whetstone replied that this was correct. A final subdivision plat would come to the Planning Commission for a recommendation to the City Council once the property is in the City. The Planning Commission would review the final subdivision plat for conformance with the preliminary plat.

Mr. Richards noted that the CC&Rs would require that the barns remain a specific type. The barns would be uniform in style and color. He believed it would improve the appearance and the value of the properties.

Commissioner Hontz noted that the existing buildings and pasture to the west of Lot 8 were not included in the annexation. Mr. Richard replied that it belongs to his neighbors, who were present to speak at the public hearing. When Mr. Richards purchased his property in 1975, the previous owner had sold that one acre parcel to another buyer with a right-of-way coming from Pay Day

Drive over his property. Mr. Richards clarified that he had no control over the right-of-way. Planner Whetstone noted that the one acre parcel is in the City. The vacant parcel to the west of the one acre parcel is not, and it is not contiguous to this annexation.

Chair Worel opened the public hearing.

Haley McDonald spoke on behalf of her family who owns the lot adjacent to Lot 7. She thanked the Planning Commission for considering the impacts to the neighbors and for asking the right questions. She referred to the comment that Lot 7 would be in their face, and she noted that Mr. Richards had visited her family to explain the proposal. Ms. McDonald stated that her only concern is that currently the lot is vacant, but eventually there would be a house in their back yard. She was comfortable with the proposal as explained, however she wanted to make sure that it stayed the same with minimal changes because had already gone from four lots to five lots to now 7 lots. Ms. McDonald believed the current proposal was reasonable. She wanted to make sure the house would not have a reflective roof because it would reflect up into their house.

Mr. Richards stated that the HOA would have an architectural review committee to address those issues.

Ms. McDonald reiterated her concern that major changes would be made without the neighbors being aware. She asked how they would be notified if significant changes were made to this particular plat.

Commissioner Wintzer stated that this was an ongoing process. He urged Ms. McDonald to stay involved with every meeting until the project is approved. The neighbors have the responsibility to communicate with Staff to keep abreast of the process. Commissioner Wintzer remarked that it was also important for Ms. McDonald and others to continue to provide input.

Ms. McDonald appreciated the process and the fact that everyone was doing the right thing to insure minimal impacts. Mr. Richards owns the property and he should be able to develop it.

Kevin McCarthy stated that he spoke at the last public hearing. He has been a neighbor to Frank and Kathy Richards for 25 years and went was involved in a contentious process when Mr. Richards subdivided the lots on Pay Day Drive. Mr. McCarthy stated that Mr. Richards is the personification of the term 'Steward of the Land'. As Mr. Richards had mentioned, Mr. McCarthy had purchased the lot and was moving from up the canyon down to level ground. As soon as they know where the other house will be platted, his architect would work his house around it. Mr. McCarthy would be comfortable with whatever plan the City and Mr. Richards come up with.

Vicky Gabey stated that she has been a neighbor to the Richards for 37 years. She annexed into the City in the 1990's. Ms. Gabey favored the proposal. She asked the Planning Commission and Mr. Richards to remember the neighbors when planning the specifics of this project.

Chair Worel closed the public hearing.

Commissioner Hontz stated that she went through the materials the Staff supplied to Commissioner Gross, and she could not find a letter from the State verifying that there were no historic or cultural resources. She understood from the Code and in previous annexations that the City contacts the State for verification from their database, and the State provides a certified letter. That has been provided for every annexation and she would like to see it for this annexation.

Commissioner Hontz referred to the fiscal analysis and affordable housing analysis on pages 20 and 21 of the May 9th Staff report. She did not agree with the actual numbers that were used for that analysis and she believed the analysis was incorrect. However, after running numbers that she thought were more logical, her recommended change would not necessarily affect the outcome. As an example, Commissioner Hontz rejected the 50/50 split on primary versus secondary homes based on Summit County numbers. She would use the actual numbers from Aspen Springs or the adjacent neighborhoods because it would provide a better reflection of who would purchase in the area. Commissioner Hontz believed there would be less of a benefit with more primary owners that there would be with more secondary owners. Commissioner Hontz remarked that the numbers used in the data creation were not logical towards the reality of the development.

Commissioner Hontz stated that this was definitely the appropriate location for this type of development in terms of lot size and home size. It was also the exact appropriate location per the General Plan and what they were trying to accomplish with the update of the General Plan in terms of maintaining agricultural use in town. On the other hand, when the City does an annexation, particularly in this case where it would be up-zoning, the question is how this benefits the City and whether open space is enough. Commissioner Hontz believed this was an opportunity to think about additional benefits such as TDRs, better conserved open space, and/or affordable housing. It is a benefit for the land owner to go from zero to seven units, and the Planning Commission needs to find the benefits for the City.

Commissioner Wintzer was concerned about putting a fence around Lot 7. He preferred that Lot 7 appear to be more open. He thought it could be done by either reducing the size or shifting it into part of Lot 6. Commissioner Wintzer hated to see a white picket fence around some of the houses because the current appearance of the property is so nice.

Mr. Richards explained that he was only trying to get a farm feeling. He did not feel strongly about white fencing if the Planning Commission preferred a different type of fence. Commissioner Wintzer clarified that his comment was not about the type of fencing. He personally wanted a portion of Lot 7 to appear to be open space. Mr. Richards pointed out that all but 5% of the lot would be open space. Commissioner Wintzer replied that once the property is fenced it loses the appearance of being open. He thought Lot 7 was counterintuitive to the rest of the subdivision. If Lot 7 was moved further to the south, less trees would have to be removed for the road, and there would be less land disturbance and a feeling of more open space. Commissioner Wintzer thought Mr. Richards could do that and still achieve the same density and value. Commissioner Wintzer believed that Lot 7 was too big and pushes too far to the north. It needs to be more consistent with the rest of the subdivision.

Commissioner Strachan concurred with Commissioner Wintzer. He believed the development worked in this location and the annexation was worthwhile. Commissioner Strachan stated that as

part of the annexation process the Planning Commission makes a recommendation to the City Council regarding the zoning. He felt the zoning should be Estate rather than Single Family. It would not upset the proposed development and it would not reduce the number of homes. He read the purposes of the Estate zone and thought they fit perfectly with this proposal; as opposed to the purpose statements of the Single Family zone. The Estate zone is a better fit and it also protects the corridor in the future when Mr. Richards passes and another person owns the property.

Mr. Richard understood that the density was approved with the plat. Commissioner Strachan replied that owners can request a plat amendment that could be approved by a future Planning Commission if it is allowed in the zone. He explained how that might be avoided if the property was zoned Estate.

Commissioner Wintzer questioned whether the Estate zone would work because Mr. Richards would only be allowed four units under the zoning requirements. He suggested that the Planning Commission address the issue through the annexation agreement. Mr. Richards stated that zoning was not an issue as long as he could achieve seven units.

Commissioner Savage pointed out that this was a co-application with the City related to annexation of the open space, and Mr. Richards has rights to utilize the open space for grazing. He wanted to know what would happen to those rights as a consequence of development. He asked if the right would into the HOA or remain with the single lot Mr. Richards would continue to own.

Mr. Richards and the Commissioners discussed different scenarios that could occur. Planner Whetstone stated that in her research she found an agreement between Summit Land Conservancy, who holds the deed restriction, and the City. There appears to be a separate agreement that allows Mr. Richards to utilize that property and it had to do with the special warranty deed. Planner Whetstone point out that because the agreement regarding what occurs on the property is between the City and Summit Lands Conservancy, they need to find the agreement that allows Mr. Richards to use and maintain the property to see if it can be assigned to an HOA, and whether the restriction agreement between the City and Summit Lands Conservancy needs to be amended. Planner Whetstone would research the matter. Commissioner Wintzer understood from the comments that the main goal is to maintain the same use on the public land.

Commissioner Gross understood that when the City purchased the land, they also purchased water rights from Mr. Richard. Mr. Richards stated that he gave the City seven acre feet and they purchased three additional for a total of 10 acre feet of water. Mr. Richards uses the water to irrigate the property. He has approximately 20 acre feet associated with his 13-1/2 acres. He proposes to sell 2 acre feet to each lot.

Planner Whetstone summarized that the Planning Commission would like to relocate the building pad on Lot 7. Mr. Richards was comfortable with that request. Planner Whetstone asked if the Planning Commission had issues with dividing Lot 3, which was a horse lot, into two lots along Pay Day Drive. The Commissioners had no issue with dividing Lot 3. Mr. Richards referred to the Staff recommendation to continue this item to October 24th and noted that he would not be able to attend that meeting.

MOTION: Commissioner Savage moved to CONTINUE the Richards/PCMC Annexation until November 14, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

3. Land Management Code Amendments – Chapter 1-General Procedures; Chapter 2-Zoning; Chapter 3-Off Street parking; Chapter 4-Regulations; Chapter 5-Architecture Review; Chapter 6-Master Plan; Chapter 7-Subdivisions, Chapter 8-Annexation; Chapter 10-Board of Appeals; Chapter 11-Historic Preservation; Chapter 12-Planning Commission Definitions. (Application #PL-12-01631)

Chair Worel requested that Planner Whetstone review the LMC items that were continued this evening.

Planner Whetstone stated that the Staff noticed a number of additional changes, analysis and redlined changes in the Staff report, and recommended that those items be continued for further analysis. The 22 items to be continued were outlined on page 79 of the Staff report. Planner Whetstone noted that the items were publicly noticed and they would be discussed at the meeting on October 24th.

Planner Whetstone stated that the amendment to Chapter 6 regarding MPDs in the Staff report was redlined in the Staff report per the discussion from the last meeting. However, the Planning Commission had requested a history on MPDs, and since the Staff was still working on that information they recommended continuing that discussion to October 24th. Planner Whetstone recommended that the Planning Commission continue items 3, 5 and 7 in the Annexation report to October 24th.

Commissioner Wintzer suggested that the motion to continue identify the amendments to be continued as listed on page 80 of the Staff report. Chair Worel clarified that Chapters 2, 6, 7 and 10 were continued. Commissioner Hontz noted that some items under those chapters were recommended to be continued. However, she was not prepared to move forward with them this evening and would be comfortable if they were continued as well.

Chair Worel opened the public hearing on the items to be continued.

Chris Schaefer, a property owner in condominiums on Main Street, commented on the Kimball Historic District, particularly as it pertains to the Kimball Arts Center application. He stated that the concept of a master planned development assumes a large area to be developed, possibly multi-use and possibly crossing boundary lines. He noted that the Kimball building does not meet the criteria because it is a single building on a single zone. He only became aware of the changes that day and had not had time to understand the proposed changes. Mr. Schaefer stated that as a property owner he was concerned that the Kimball, by applying for master planned development, was trying to make a run around the Planning Commission. He hoped

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
NOVEMBER 28, 2012

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Brooke Hontz, Stewart Gross, Adam Strachan, Charlie Wintzer

EX OFFICIO:

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

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REGULAR MEETING

ROLL CALL

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

PUBLIC INPUT

Willy Holdman, a gallery owner at 580 Main Street, commented on a sign issue. When he moved into his location in January he made his sign identical to another gallery. After a year an inspector informed him that his sign was in violation of the sign code. The inspector said the Code allowed 6-9 inches above grade and his was 90 inches. Mr. Holdman commented on other signs on Main Street that appear to be in violation and he wanted to know why his sign was singled out. He asked if there was the possibility of having a variance to the Code to keep his existing sign. He spent a lot of money on his sign and it has only been up a year.

Director Eddington was unsure of the specifics regarding Mr. Holdman's sign, and he offered to meet with the Building Department and Mr. Holman to work something out. Director Eddington noted that some existing signs are historic and were grandfathered in under the sign ordinance.

Neal Krasnick, a resident at 1150 Deer Valley Drive, stated that he is aware that the City Council and Planning Commission are always concerned about open space, transportation and public transportation to Big Cottonwood, future electric power needs and other major issues. He stated that a number of people in town have a lot of experience in working with more than one large powerful entity at one time. Mr. Krasnick suggested the possibility of putting a tunnel through to Big Cottonwood Canyon and running an electric subway. He asked the Planning Commission and the City Council to give it some thought even though it was a very unconventional idea.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Eddington reminded the Planning Commission that a special General Plan meeting was scheduled for December 11th. The next regular meeting would be December 12th.

Director Eddington noted that Patricia Abdullah in the Planning Department had put together information regarding master planned developments for the LMC Amendments, which was a discussion item this evening. Ms. Abdullah had the most knowledge regarding the history of master planned developments and he suggested that the Planning Commission ask any questions related to the Chart she had prepared so she could leave.

CONTINUATION(S) - Public hearing and continue to date specified.

**1. 427 Main Street – Conditional Use Permit
(Application #PL-12-01672)**

Chair Worel opened the public hearing. There were not comments. Chair Worel closed the public hearing.

MOTION: Commissioner Strachan moved to CONTINUE the 427 Main Street CUP to January 9, 2012. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously by all Commissioners present.

**2. Richards Parcel - Annexation
(Application #PL-12-01482)**

Chair Worel opened the public hearing. There were no comments. Chair Worel closed the public hearing.

MOTION: Commissioner Strachan moved to CONTINUE the Richards Parcel Annexation to December 12, 2012. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously by all Commissioners present.

Chair Worel noted that 30 Sampson Avenue – Steep Slope CUP was also requested to be continued.

**3. 30 Sampson Avenue – Steep Slope CUP
(Application #PL-12-01487)**

Chair Worel opened the public hearing. There were not comments. Chair Worel closed the public hearing.

MOTION: Commissioner Strachan moved to CONTINUE the 30 Sampson Avenue – Steep Slope CUP to December 12, 2012. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

The Commissioners agreed to open the public hearing and continue discussion on Chapter 15 to the next meeting.

Vice-Chair Thomas opened the public hearing for Chapter 15 – Definitions.

Ruth Meintsma, a resident at 305 Woodside, stated that the definition on half-story was appropriate except the description does not apply to some structures on the Historic Sites Inventory. An example was the pyramid structure at 359 Woodside, which was originally a boarding house. Ms. Meintsma noted that this house was described as a story and a half on the HSI. It does not look like a two-story structure; however, according to the definition a half story now becomes a whole story. A half-story was described in history and the National Register description describes it as a half-story. Ms. Meintsma suggested an exception for historic houses described in that way on the HSI.

Lila Tedford requested clarification on the definition of publicly accessible. She asked if that would apply to a deck that was publicly accessible unless the restaurant closed or to a roof top garden.

Vice-Chair Thomas stated that the Planning Commission would come back with clarity at the next meeting.

Vice-Chair Thomas closed the public hearing.

MOTION: Commissioner Wintzer moved to CONTINUE Chapter 15 – Definitions to January 9, 2013. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

Roof Pitch

Vice-Chair Thomas opened the public hearing on Roof Pitch.

There were no comments.

Vice-Chair Thomas closed the public hearing.

MOTION: Commissioner Savage moved to CONTINUE the Roof Pitch discussion to January 9, 2013. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

5. Richards Parcel – Annexation (Application PL-12-01482)

Planner Whetstone requested that the Planning Commission provide direction on a number of issues outlined in the Staff report and continue the item to January 9, 2013 to allow Staff time to

draft an annexation agreement. She noted that most of the issues would be addressed through conditions of approval that must be met prior to final plat recordation.

Commissioner Wintzer asked if the agreement to allow the applicant to use City property for grazing would be a separate agreement. Planner Whetstone answered yes. Commissioner Wintzer asked if there would be limitations to prevent over-grazing. Planner Whetstone stated that the City was working with an expert on that language.

Commissioner Hontz felt they failed in the last annexation by not addressing the environmental existing conditions. She asked if that would be part of the analysis and whether there would be actual existing conditions of the open space that the City purchased in the 1990's. Planner Whetstone remarked that in 2009 the Summit Land Conservancy did a study of the property for existing conditions. The City has asked people from the Soil Conservation Service to provide their thoughts on what needs to be done on the property in terms of restoration, remediation, restrictions and monitoring. She noted that Mr. Richards has done that for 30 years and the Staff would also seek his input.

Commissioner Wintzer stated that he could not receive a packet this late and do a good job of reading it. If the Staff is unable to provide packets in a timely manner they should postpone the issue to allow the Planning Commission sufficient time to review the information.

Steve Schueler with Alliance Engineering stated that the proposal was still the same 7 lot configuration that was presented at the last meeting. Commissioner Wintzer noted that his previous question on Lot 7 had not been addressed. He still did not want to see fencing going all the way up to the common area. He understood the issues related to the barn, but he was uncomfortable allowing Lot 7 to wander that far into the common area. He was not opposed to the lot going out that far, but he was opposed to fencing because it takes away from the appearance of public space.

Commissioner Gross suggested placing limits on fencing. Planner Whetstone noted that the Staff requested that the applicant submit a fencing plan with the final subdivision plat. She stated that the Staff has concerns with white vinyl fencing around each lot. She recommended interior fencing to keep animals away from the streams and wetland areas, but it should be pole fencing or a simple agricultural wire fencing instead of white vinyl.

Mr. Richards, the applicant, stated when he was young his family had a ranch in Morgan County and he would install fences all summer long. He could say from experience that wire fencing was not good fencing. He was willing to put in a brown rail fence, but wire fences do not hold up. Mr. Richards remarked that a vinyl rail fence lasts forever. He commented on two fences along the highway from Payday Drive to the Osguthorpe Farm. One was a wire fence that was installed by the State. The other was a white vinyl fence he put in. Mr. Richards pointed out that the wire fence is down and the vinyl fence is still standing. In all these years he has only had to repair one area of the vinyl fence. Vinyl fencing is maintenance free and much stronger than a wire fence. Mr. Richards commented on other areas where wire fencing was installed and the number of times it has needed to be repaired because the poles fall over and the braces rot out.

Vice-Chair Thomas thought they could simplify the discussion by requesting a fencing plan with fencing samples and section elevations.

Commissioner Wintzer showed Mr. Richards exactly where the fencing should end and where the unfenced open space should begin. Vice-Chair Thomas clarified that Commissioner Wintzer preferred to see a delineation of the fence immediately behind the structures on Lot 7, and no fencing east of Lot 7 between the Park City open space parcel and the rear of that property.

Mr. Richards understood that the owner of Lot 7 could own the property but not fence it off. Commissioner Wintzer clarified that he could own it and fence it as long as the fence does not go out as far as what was shown on the east side of the lot. Planner Whetstone noted that part of the reason for fencing is to control the animals, which is why the Staff had requested a fence plan. Vice-Chair Thomas agreed with Commissioner Wintzer and he directed the applicant to submit a fencing plan that addresses their comments regarding location and fence material.

Planner Whetstone asked if the Planning Commission wanted to see the fencing plan with the annexation or with the final subdivision plat. The Commissioners preferred to see it with the annexation. Planner Whetstone noted that she had drafted a condition of approval requiring a fencing plan with the subdivision plat application to ensure that the Planning Commission would see the fencing plan. Commissioner Wintzer was comfortable waiting until the subdivision plat. The Commissioners concurred.

Commissioner Hontz stated that she was overridden at the last meeting with regard to density and other issues. Other than density, the other issues were identified as bullet points in the Staff report. Commissioner Hontz remarked that this was an artificial political boundary that has existed for a long time. It would be nice to have it in order to eliminate the holding of Summit County's zoning within Park City boundary, but it has not negatively affected anyone for all these years. Commissioner Hontz stated that changing it from what the current zoning allows, which is one house, the outbuildings and the stable, to a seven lot subdivision by annexing it into the City, would be upzoning by seven units. She felt that was a generous give. When looking at other annexations they made sure the "get" for the public was something of value. Commissioner Hontz could not see a "get" in this annexation because the City purchased the open space in 1998, and currently under the artificial boundary they get the visual feeling of continued open space along the road. Commissioner Hontz clarified that this was not an issue of compatibility. The number of units and size of structures proposed are compatible with the surrounding developments. However, the applicant could not do that unless that City gives them the right. She personally likes the land in its current condition because the existing structures and the layout fits the agricultural nature of the existing terrain. Commissioner Hontz stated that through the process she has not seen less than one unit of affordable housing, fencing, avoidance of wetlands, mitigation plans. She was concerned about that the open space parcel had become so degraded because of the uses the City has allowed on it.

Commissioner Hontz stated that if they move forward with the annexation and zone the property single family, she would demand additional precautions to possibly limit the actual amount of square footage on any lot and to have all the wetland areas and sensitive lands and all the land with barns zoned ROS or another open space designation.

Commissioner Hontz urged the Planning Commission to use the same filter they have used for other annexations, because it would be unfair if they did not look for the appropriate “get” for the public on this annexation as well.

Commissioner Savage was excused and left the meeting at 10:00 p.m.

Vice-Chair Thomas asked if any work had been done with regards to wildlife mitigation. When he drove through there this morning there were two moose on the property. He would like to know more about the wildlife and wetland issues and whether those had been studied. Planner Whetstone replied that the applicant had provided that information and wildlife does use the property.

Planner Whetstone remarked that the conservation easement was the biggest “get” for the City. Currently there is not a written agreement. If they have an annexation agreement it is important for the City to have a written and recorded agreement that talks about what could occur on the City’s parcel.

Commissioner Hontz pointed out that there was a signed Deed of Conservation Easement on page 20 of the Staff report. Planner Whetstone explained that there was a gentleman’s agreement for use of the property. This property was farmland and not pristine open space and it was used for agricultural purposes. This was a historical use of this property but there was never a written agreement. The City is very interested in having a written plan. Commissioner Hontz wanted to know which plan they did not have. Planner Whetstone replied that if this property owner wishes to continue using the property there is not a written management plan.

Commissioner Hontz referred to Exhibit C and the piece labeled Park City Open Space Parcel. She understood that Park City Municipal owned that parcel of land. Planner Whetstone replied that this was correct. Commissioner Hontz noted that there was a signed Deed of Conservation Easement recorded against it. Therefore, the only thing the City did not have was an agreement regarding animals and livestock. Commissioner Hontz asked if that was the only “get” they were getting. Planner Whetstone clarified that the City has nothing in writing for the irrigation, hay cutting, fertilizing and all things that Frank Richards does to take care of the parcel. She agreed that not all the activity on that parcel was the best benefit, but the City would like a written agreement to better understand what was occurring on the property.

Commissioner Hontz noted that page 3 of the Conservation Easement has a Continued Conservation Reserve program which is a 15 year farm service agency contractual agreement for the stream corridor. Planner Whetstone replied that it was not an agreement for the use of Frank Richards, who sold the land to the City. If the land is annexed, the City would get an agreement in writing. Planner Whetstone stated that when the other parcels were annexed to the City, there was another agreement that said when Frank Richards decides to develop his property he would come to the City first. After a year, if no progress is made with the City, he would be able to ask the County for development. Planner Whetstone believed that provision was in the annexation agreement for Thaynes Creek Ranches. She pointed out that denying the annexation would not keep the property in its current state because it could be developed

through the County. The City has been working diligently and a main issue is the use of the open space. The City wants to make sure it is monitored, protected and maintained, and possibly remediated based on a study by the Conservation Reserve Program. Planner Whetstone stated that the City has had conversations with Cheryl Fox, who holds the easement, in terms of whether grazing of the horses and hay cutting could continue.

Commissioner Hontz understood that the “gets” were that the entity that currently manages the open space would continue to manage it and that Mr. Richards would not develop through the County. Commissioner Hontz reiterated her opinion that this was a very generous annexation proposal.

Planner Whetstone remarked that the density analysis showed that the proposed density was low for this area and consistent with the lots along Pay Day and the SF zone. The General Plan expresses an interest in having the City’s entry corridor maintaining an agricultural and rural look. The riding stable would remain and while it is an amenity for the development, it also provides an equestrian property in the City.

Commissioner Hontz referred to the minutes on page 44 of the Staff report and her comments from the meeting in September. She appreciated the Staff’s opinion and analysis, but she disagreed. Commissioner Hontz noted that in September she had said that it was a benefit to the landowner to go from 0 to 7 units and the Planning Commission needed to find benefits for the City. Planner Whetstone stated that restoration of the property is also important. The City required and the applicant agreed to LEED Silver for all the homes being constructed. The applicant also agreed to limit the houses sizes and the disturbance area. Other benefits include restricting the use of the City open space land and repairing and maintenance of ditches that serve the property. Planner Whetstone stated that various other parts would be part of the annexation agreement and the Planning Commission would have the opportunity to review those at the next meeting. She would provide it to the Planning Commission early so they would have sufficient time to consider the benefits.

Vice-Chair Thomas stated that the drawings in the packets were too small to read the lettering. He asked about the size of the barns and whether there were driveways leading to the barns. Mr. Schueler replied that the barn dimensions were 36’ x 36. Vice-Chair Thomas clarified that Lots 1,2, 6 and 7 would have a 36’ x 36 one-story barn. He was told that this was correct and the use would be for horses and storage equipment. Vice-Chair Thomas suggested limiting the use to agricultural use only and eliminate the possibility of ATV, snowmobiles or similar items. Vice-Chair Thomas also wanted to see how the barns would be accessed.

Planner Whetstone asked if the Planning Commission would be interested in seeing design guidelines like they did with Park City Heights. Vice-Chair Thomas stated that the nature of the site is agrarian. He did not want to be too restrictive with design guidelines, but he encouraged agrarian structures and elevations. Commissioner Strachan did not want all seven homes to look the same. Director Eddington suggested variety with the barns as well. Planner Whetstone offered to make variation in design and materials a condition of approval.

Mr. Richards outlined the problems associated with different barns. He preferred to see one top-of-the-line barn for these homes rather than a variety of different barns. He thought uniformity would add class to the subdivision. Vice-Chair Thomas still preferred variation. Commissioner Wintzer noted that the issue would be addressed and discussed with the plat.

Commissioner Hontz stated that according to the annexation initiation, a complete application for a petition for annexation must also include the preliminary subdivision plat. Planner Whetstone noted that they were looking at the preliminary subdivision plat this evening. The preliminary plat identifies the lots, square footage, etc. The specific details are addressed with the plat application.

Assistant City Attorney stated that an annexation is measured against certain criteria. She noted that the criteria was summarized in the Staff report and she suggested that the Planning Commission provide input on those bullet points.

Planner Whetstone stated that the Staff would come back with the annexation agreement that would address some of their concerns. They would also bring back the analysis for various sections of the Code.

The Planning Commission reviewed the bullet items in the Staff report.

- Conservation Easement and Use/Restoration of PCMC parcel.

Planner Whetstone felt this had already been addressed in their discussion.

- Incentivize Equestrian component of Subdivision.

Planner Whetstone stated that equestrian property is important in this area. They would need to look at how many horses would be allowed in the area and would use the City property and how many horses each lots could have. Since horses require a conditional use permit, part of the annexation agreement would allow the horses to go through an administrative conditional use permit. The Staff was preparing to write that into the annexation agreement.

Commissioner Wintzer asked if the share agreement had time limit on use of the land. Mr. Richards stated that it was a verbal agreement and there was no time limit. Commissioner Wintzer felt it was important to have something in writing to give the City leverage if someone abuses the land. Planner Whetstone stated that the recommendation from Summit Land was for a two-year or three-year review and the City would do the report and report back to Summit Land. She clarified that use of the land would not be in perpetuity.

Mr. Richards asked if the Planning Commission would prefer that he not develop the land as equestrian property. The lots are averaging 2 acres per lot and he was willing to consider a different type of development. Commissioner Wintzer replied that horses were not the issue. If someone is using public land, the City would want a mechanism to monitor the conditions of the annexation and development. Mr. Richards understood and he was not opposed.

- Fencing.

Planner Whetstone noted that this item had already been address.

- Affordable Housing.

Planner Whetstone noted that there was a requirement for affordable housing at 15%. The calculation was .1 times 900 square feet. The affordable housing unit must be built on site unless the Housing Authority allows it to be a fee-in-lieu or constructed elsewhere. That language will be in the annexation language. Planner Whetstone noted that Mr. Richards has an existing manager's unit that could count as affordable; however, the unit would need to be deed restricted.

- Historical and cultural resources

Planner Whetstone stated that there have been conversations with the State, the County and City and the Historical Society and there are no known resources at this time. Before the plat is recorded there would be a historic survey of the property. If anything is there it would go into the Historic Sites Inventory. If nothing is found they would have that certification. Planner Whetstone stated that there would also be language in the annexation agreement addressing cultural or archeological. If anything is found during an excavation there would be a process and procedure to follow.

- Zoning

The Staff recommended Single-Family because it is consistent with the surrounding neighborhoods. She pointed out that the neighbors were not interested in nightly rental and that the Iron Canyon Subdivision rezoned to single-family because they had issues with nightly rentals. Single-Family zoning allows greater density, which is why each lot should be deed restricted to prohibit re-subdivision to increase the density. The eighth lot is for a riding stable and that should also have a deed restriction.

- Preliminary plat lot layout, building pad size, and visual analysis

Planner Whetstone noted that the building pad for Lot 7 was moved to the south. The applicant would provide visual information. The Planning Commission would have a more detailed discussion at the time of the final subdivision plat when the final lot lines are drawn and the building pads are identified.

- Public benefits

The Planning Commission discussed public benefits earlier in the discussion.

Vice-Chair Thomas opened the public hearing.

Ruth Meintsma commented on the sand barns. It was mentioned at the last meeting that the barns would be the same and would favor variations.

Mike Jorgensen, a resident at 20 Pay Day Drive, was surprised by the discussion this evening. He came to this meeting five hours earlier thinking it would be a no-brainer, great project. He is the one who would be looking at the barns and he would much prefer having a high-quality barn in his back yard rather than a cinder block barn that could be built. Mr. Jorgensen stated that he attended this evening because he was primarily concerned about the fence. His lot is intersected by the lot line coming down the other way. He currently has a vinyl and rail fence and he was opposed to metal wire fencing. Mr. Jorgensen emphasized how hard Mr. Richards has worked to propose a project that looks nice. In looking at the history of the open space and how much Park City paid for that

open space versus how much it is worth today, they would find that the City already got something for nothing. Mr. Jorgensen believed the City has benefitted a great deal from that property purchase. He stated that Mr. Richards developed the property and worked there and at this point in his life decided he would like to subdivide it out. However, the City feels that it has the right to get something for nothing. Mr. Jorgensen reiterated his preference for a nice looking fence and attractive barns. He would be the most impacted by this development and strongly supports it.

Vice-Chair Thomas closed the public hearing.

Mr. Richards clarified that he was not poaching on City property. He did not want to sell the property when the City approached him about purchasing to maintain a view corridor coming into the City. He told them no because he had purchased the farm and developed every fence and every building on the property and he wanted to use it as long as he lived. The City asked if he would consider selling if they allowed him to continue using the property. Mr. Richards eventually sold the property and worked out an agreement because it was important to the City. He believed he sold the property at a fair price at the time with the understanding that he could continue to use the property as long as he lived.

MOTION: Commissioner Strachan moved to CONTINUE the Richards Parcel Annexation to January 9, 2013. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously. Commissioner Savage was not present.

The Park City Planning Commission meeting adjourned at 10:35 p.m.

Approved by Planning Commission: _____

4. Richard Parcel – Annexation (Application PL-12-01482)

Planner Whetstone reviewed the request for annexation and zoning of approximately 33 acres of property along Highway 224. Park City Municipal Corporation owns a 19.74 acre parcel. The Frank Richards Family Trust owns the remaining 13.75 acres. Planner Whetstone reported that the requested zoning for the Frank Richards Parcel is single family zoning. A preliminary plat was submitted with the annexation for seven single family lots, with a requirement in the annexation agreement that the lots be constructed to LEED Silver Standard. Part of the proposal is a common lot for an indoor riding arena as an amenity for the subdivision. Planner Whetstone indicated a private driveway and public roads. Lots greater than one acre could be horse lots.

Planner Whetstone stated that the 19.74 acres owned by Park City Municipal Corporation was recommended to be zoned ROS. However, regardless of the zoning, that parcel would be City open space and subject to the Deed of Conservation Agreement that has been held by Summit Land Conservancy since 2005.

Planner Whetstone reported that the annexation was subject to the conditions of the ordinance attached to the Staff report, which included Findings of Fact, Conclusions of Law and Conditions of Approval. It was also subject to the Annexation Agreement which was in draft form and attached to the Staff report as Exhibit I on page 250. Planner Whetstone stated that the procedure is for the Planning Commission to forward a recommendation to the City Council on the requested Annexation, whereby the City Council would make the final determination and take final action.

Planner Whetstone noted that the annexation plat being recommended at this point was included as Exhibit A in the Staff report. If approved, the annexation plat would be recorded at Summit County with the ordinance and the Annexation Agreement. It would then go to the State for final certification.

Planner Whetstone reviewed the revisions to the preliminary subdivision plat. Additional information was added regarding the white fences proposed. The barns were moved as close to the houses as allowed by Code, which was 75'. Planner Whetstone noted that the fence on Lot 7 would be consistent with the existing fence across the north property line. Planner Whetstone outlined the main items that would be addressed at the final subdivision plat. A final subdivision plat would be submitted, the final lot platting would be reviewed for consistency with the preliminary plat. Buildings and barn location, sizes, design and height would be identified as on the preliminary plat. A final subdivision determination is made at the time of review of the final subdivision plat. Issues such as limits of disturbance, grading, a fencing plan, lighting, landscaping, utilities and other items addressed as conditions of approval that must be submitted prior to recording the plat or at the time of the building permit would be part of the final subdivision review. Planner Whetstone emphasized that much more detail would be submitted and reviewed at the final subdivision phase.

Planner Whetstone commented on items that still needed to be address by the City Council.

She noted that the Annexation Agreement addresses water; however a separate water agreement was being drafted as part of the annexation, as well as a license agreement for agricultural use and grazing of the PCMC parcel.

Planner Whetstone outlined items to be addressed by the Housing Authority. The Housing authority has the ability to determine whether affordable housing can be an in-lieu fee or whether it must be provided on site. All annexations require an affordable housing component according to the resolution in effect at the time of the annexation.

Planner Whetstone reviewed the public benefits associated with the annexation request. The Staff analysis was provided in the Staff report. She believed the most important benefit was the ability for local control of this land in a prominent entry corridor. Currently, the property is an island of County jurisdiction surrounded by Park City. The property is contiguous to the City and could easily be served by City services. Planner Whetstone stated that the current configuration was equestrian rural character and the proposal would preserve the existing agricultural entrance into Park City. It also preserves the sensitive wetlands.

Planner Whetstone stated that a typical single family subdivision in the area is three units per acre, which would allow approximately 40 units on the site. Therefore, the seven units proposed would be a significant reduction in density. She pointed out that currently the City parcel was being used on a gentleman's handshake agreement. Another benefit of the annexation would be that any use of that City property would require a license agreement or lease agreement to be determined by the City Council. Planner Whetstone remarked that LEED Silver construction was another benefit of this proposal. An extension of the sidewalk from the existing subdivision across the property's frontage on Payday Drive was a public benefit of the annexation.

Planner Whetstone presented recommended changes to the findings. She referred to Finding #7 regarding the lease agreement on page 222 of the Staff report. In an effort to keep the language more general, she recommended striking the last sentence in Finding #7 and replacing it with, "A lease agreement is required for any use of the PCMC Parcel by any entity other than the City." Planner Whetstone referred to page 223 of the Staff report, and revised Condition #11 to read, "Use of the PCMC parcel shall be addressed and regulated by a signed and executed License Agreement for Agricultural Use and Grazing prior to commencing the use. All use of the PCMC parcel shall comply with the March 24, 2005 Deed of Conservation Easement by and between Park City Municipal Corporation and in favor of Summit Land Conservancy."

Commissioner Savage asked if the recommended changes were acceptable to the applicant. Mr. Richards stated that he has had an agreement with the City for 14 years. He was comfortable with the recommended changes as long as he could continue to use the ground. He pointed out that the proposal would be done in two phases. The second phase would be Lots 5, 6, 7 and 8. He would like to continue to graze horses like he has for many years, until the property is subdivided and fences are installed.

Planner Whetstone referred to the draft Annexation Agreement on page 250 of the Staff report. She noted that Mr. Richards and the City reviewed the agreement and made changes after the Staff report was published. She highlighted the key revisions. On page 255, Item 18, in an effort to keep the language more general, the phrase, "parties shall enter into" was stricken, as

well as the language specifically mentioning Frank Richards and specific uses. Item 18 of the Annexation Agreement was revised to read, "A license agreement for agricultural use and grazing on the PCMC parcel for use of the PCMC parcel is required for any use by anyone other than the City. All use of the PCMC parcel shall comply with the March 24, 2005 Deed of Conservation Easement by and between Park City Municipal Corporation and in favor of Summit Land Conservancy (Exhibit D). Planner Whetstone explained that the mention of specific uses was deleted because the uses would be determined by Park City and Summit Land Conservancy.

Planner Whetstone noted that additional revisions for clarification would be made prior to sending this to the City Council.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council on the annexation and the zoning map amendment based on the findings of fact, conclusions of law, and conditions of approval in the draft ordinance with the revisions as stated.

Steve Schueler with Alliance Engineering believed Planner Whetstone had adequately abbreviated the benefits of this project. He recalled specific concerns raised by the Planning Commission at the last meeting regarding specific issues such as the barn, fencing and other items. He was willing to discuss those concerns in more detail if the Commissioners still had questions. Commissioner Wintzer pointed out that those issues should be addressed at the time of the subdivision and not with this application. Mr. Schueler understood that they would be addressed at that time; however, he was willing to speak to any issues this evening.

Commissioner Savage apologized for having to leave early at the last meeting before he had the opportunity to participate in the discussion. He understood that historically the large plot of land that Mr. Richards currently anticipates continuing to use as grazing property with this subdivision now belongs to Park City Municipal. Therefore, Mr. Richards would need to enter into a lease agreement with PCMC in order to have that allowed use for a sustained period of time. Commissioner Savage wanted to make sure that Mr. Richards was comfortable that the lease agreement would provide him the ability to get that entitlement in the way he has contemplated this development.

Mr. Richards stated that the project was designed so he would not have to use that property. All the lots, with the exception of the two on Payday Drive, are in excess of an acre or 1.25 acre. He has a verbal agreement with the City and he understood that when he sells the lots, if people choose to use that property and maintain it, they would have to enter into an agreement with the City.

Commissioner Savage recalled a previous discussion where the HOA of that subdivision would have an agreement that would provide access to that property for all the homeowners. Commissioner Savage clarified that he was not trying to structure anything for Mr. Richards. He only wanted to explicitly make sure that Mr. Richards was comfortable with the direction of the revised language. Mr. Richards replied that he was comfortable with the direction of the language.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Thomas asked if any studies or analysis had been done regarding the impacts to the wildlife on that parcel because he has personally seen moose in the area. Mr. Schueler stated that there would not be any impact to the wildlife corridors with respect to the City property because there were no proposed changes to that space. Mr. Richards' property is fully fenced. Commissioner Thomas stated that if Mr. Richards anticipates continued grazing on the City property, it would imply an impact.

Mr. Richards stated that he rarely sees wildlife in the area; however, occasionally he has spotted deer or moose and they graze with the horses. Commissioner Thomas stated that he drives that road every day and he sees moose once a week in that area.

Heinrich Deters, City Trails, remarked that there have been historical uses of agriculture on the property, and that was the reason for wanting to separate the lease agreement for uses from the Annexation. The details and controls would be formalized in the lease agreement with a specific person, rather than as a possible entitlement to a specific lot. Mr. Deters stated that wildlife impacts could still be addressed. He has been working with Conservation Services on a grazing plan for this area and they could also look into wildlife issues. Commissioner Thomas noted that historically the City has required a wildlife study in other annexations. Mr. Schueler stated that he and Mr. Richards had reviewed the wildlife information from the State Department of Wildlife Resources, and that information was contained in the Staff report. Planner Whetstone pointed out that the maps shows that the area is used by deer, elk, moose, birds and other wildlife.

Commissioner Wintzer noted that Condition #3 on page 225 of the Staff report talks about identifying building pads for houses and barns at the final subdivision plat. He would like the language to include that hard surface pads that identifies the driveways and where they would go to the barns would also be addressed with the final subdivision plat.

Commissioner Wintzer clarified that the City was currently approving the annexation with the zones. He would like to have the bottom portion of Lots 1, 3, and 6 put into the ROS zone. It could still be fenced, but it would guarantee that buildings would not be located close to the open space. Mr. Schueler thought that could be accomplished by designated building pad locations. Commissioner Wintzer replied that it would be accomplished initially, but those could be amended. The zone could not be amended without applying for a zone change. Commissioner Wintzer pointed out that ROS zoning would move the barns close to the homes and away from the open space.

Commissioner Hontz asked about the redline setback. Planner Whetstone replied that it was the 50' setback from the wetlands. Commissioner Hontz thought the wetland setback was 100' feet from structures. Mr. Schueler replied that the LMC requires 50 feet. Commissioner Hontz asked about the requirement for the Army Corp of Engineers. Planner Whetstone replied that it

was 20 feet from irrigation, but the applicant was showing 50 feet. Commissioner Hontz concurred with Commissioner Wintzer. There needs to be a reality in the way things should be. If the Planning Commission likes a proposal and wants to approve it, they need to add the layers of protection. She supported Commissioner Wintzer's idea of adding ROS so the actual line follows the redline or the wetlands. She also preferred to include the upper portion of Lot 7 as well.

Commissioner Wintzer pointed to the areas that he was suggesting be zoned ROS. Planner Whetstone remarked that the issue was that the barn could not be any closer than 75 feet, and the plan as shown was drawn at 75 feet. She suggested the possibility of putting an ROS line on the plat for Lot 7 that could be identified and legally described in the subdivision plat. She believed that would address their concerns about protecting the north end. Planner Whetstone stated that zoning a portion of the lots ROS would eliminate the acreage for horses. Commissioner Hontz pointed out that the acreage was not being taken away because they were only changing the zoning. The owner would have the same amount of acreage required to have horses, but they would not be able to use the ROS portion to calculate additional density. She agreed that protection measures were already in place, but without additional layers, it is too easy to request changes and amend was what done.

Commissioner Savage remarked that in terms of thinking about visual corridors and highway 224, Thaynes Canyon is lined with houses. Everything they were talking about modifying in Mr. Richards' plan would be tucked into a corner with houses on both sides. In his opinion they were only talking about moving the barn back and forth. Commissioner Savage stated that Mr. Richards has proven to be a responsible friend of the City's and he thought they should allow him to do his project.

Commissioner Hontz stated that the ROS zone would not change Mr. Richards' plan. However, it would make it more difficult for a future owner to undo what Mr. Richards intended. Commissioner Savage disagreed. He felt it would force the buyer who purchases a lot from Mr. Richards to be constrained to one side of the lot rather than take full advantage of the lot.

Planner Whetstone pointed out that the Annexation Agreement would not allow additional density. Commissioner Savage clarified that his issue was not about density. It was about allowing the owner to place a barn on his lot where he wants it. Planner Whetstone explained that the subdivision plat would state that these lots may not be separately divided. The annexation agreement sets the density and the applicant is proposing building pads for the final plat to set the location of housing and barns.

Commissioner Hontz remarked that additional layers would make any changes more difficult and require three steps instead of one. Step one would be to amend the annexation agreement. Step two would be to modify the lot location through the subdivision plat. Step three would be to change the zone. Commissioner Hontz understood that not everyone agreed with her, but she was not willing to move forward without the layers.

Commissioner Savage thought they were talking about two different things. He understood that Commissioner Wintzer was proposing to draw a vertical line through Lot 1 and everything to the

right of that line would be zoned ROS. ROS zoning would preclude building on that portion of the lot at any point in the future. Commissioner Savage believed that approach would significantly diminish the natural value of the lot because the owner would be restricted on how he could use his lot. He did not think the Planning Commission should do those things "willy-nilly". Commissioner Wintzer stated that it was not being done "willy-nilly". Secondly, Mr. Richards does not have a lot. He was requesting to create a lot and the Planning Commission was providing description to it. Planner Whetstone clarified that the request was for an annexation and preliminary plat. Commissioner Savage made it clear that he agreed with Commissioner Hontz regarding the wetlands.

Commissioner Hontz understood that water rights were part of the annexation agreement, and she asked if the City had to purchase those water rights when they purchased the acreage.

Tom Daley, representing the City, explained that the water rights belong to Mr. Richards and he would sell them as part of the entitlement to the individual lot owners. Commissioner Hontz read from the Annexation agreement, "additional ten acre feet were conveyed to the trust for public lands". Mr. Daley explained that those were part of the same underlying water rights. The ten acre feet were separated off and are pertinent to the Park City open space. Therefore, they would not be used in the subdivision. Commissioner Hontz asked if any money exchanged hands for those ten acre feet of water. Mr. Daley replied that the City purchased ten acre feet. Mr. Richards owns approximately 11,000 acre feet of water rights and the ten acre feet are a part of that.

Commissioner Strachan read language in the Annexation Agreement stating that the petitioner has to pay 86 acre feet of the decreed water right to a third party. He wanted to know who would be the third party. Mr. Daley replied that it was a deal Mr. Richards made with John Cummings. Mr. Richards explained that he leased the water rights to the City for approximately ten years with a first right of refusal. He offered the rights to the City and the City chose not to buy them. John Cummings became aware that the water rights were available and he purchased them from Mr. Richards.

Commissioner Hontz referred to her comments from December 12th and noted that nothing in the application had changed enough to make her change her opinion on what they were being asked to approve this evening. She believed the density was compatible with the neighborhood and she never found that to be an issue. However, she uses the same filter for every annexation and with this one she did not believe there were appropriate "gets" for the community in return for the density that she felt was very generous. Commissioner Hontz thought it was important to have the additional protection of ROS lines being added at a minimum on Lot 7, and to have an entire affordable housing unit instead of the partial unit proposed, whether on-site or a fee in lieu, in addition to utilizing a caretaker unit on site. The added protection and the affordable housing unit would need to occur before she could begin to feel comfortable with upzoning from zero to 7 units.

Commissioner Strachan stated that his comments have remained the same since the beginning. He has always thought the Estate zone was more appropriate than single family. Commissioner Strachan also thought the comments made by Commissioners Wintzer and Hontz regarding the

position of the building pads should be set in stone and defined now.

Commissioner Savage stated that the City talks about "gives" and "gets", yet they were not giving credit to the historical "gives" that Mr. Richards has provided to Park City and Summit County and the community. He thought the Planning Commission was treating Mr. Richards like a random stranger. Commissioner Savage believed there were a lot of "gets" for Park City. They would annex this property into the City and get the economic benefit associated with development on that property. They would also get the underlying tax base that would come about as a consequence of that development. Commissioner Savage stated that considering the homes along Payday Drive and the homes along the Aspen Springs subdivision, he would conclude that the density in this proposal was significantly less than in those very present contiguous neighborhoods. Therefore, density was not an issue and there were economic benefits to this annexation request.

Commissioner Savage believed Mr. Richards had come forward with a proposal that improves the overall quality of what exists in the City, and it does nothing to detract from the beauty associated with the surrounding area.

Commissioner Gross concurred with Commissioner Savage.

Commissioner Thomas was uncomfortable being painted into a corner because he was concerned about the visual impact of the barns on the entry corridor to Park City. He sided with Commissioners Strachan and Wintzer in terms of the sensitivity of where those barns are placed. Commissioner Thomas stated that in the design process and establishment of the building pads, Lots 1, 2 and 6 pull the residential components as tight to the front yard setback as possible, being sensitive to the depth of that building pad to create 75 feet to the barn and possibly pull the barns forward. Commissioner Thomas believed the barns would have a visual impact on the entry corridor. He felt they needed to be careful about where they establish the building pads; however, he was unsure whether that should be done now or in the subdivision plat.

Commissioner Wintzer stated that the zoning is done now and the building pads are defined with the subdivision plat. Commissioner Thomas replied that in his opinion, the most critical component was positioning the building pads as tight to the west as possible. Mr. Schueler pointed out that the barn on Lot 6 was an existing barn. Commissioner Thomas stated that it would have been helpful to have that identified as an existing barn. He pointed out that two or three additional barns would add to the visual impact, particularly if equipment is parked next to them. Mr. Schueler remarked that the barns are proposed to be large enough to store equipment inside rather than outside the barn.

Commissioner Gross recalled that two months ago Mr. Richards presented photos of the barn that he wanted to use. At that time the Planning Commission wanted variety as opposed to having all the barns look the same. He believed Mr. Richards had tried to be responsible in reacting to their direction.

Mr. Richards stated that by putting two zones on 1.25 acre of ground really limits the salability of

the lot. Commissioner Gross suggested that the ROS portion could be designated as a no-build easement area as opposed to a different zone. Mr. Richards asked if it could be done through covenants. Commissioner Wintzer pointed out that a covenant could be easily changed.

MOTION: Commissioner Wintzer moved to forward a POSITIVE recommendation to the City Council on the Richards/PCMC Annexation and zoning map amendment based on the Findings of Fact, Conclusions of Law and Conditions of Approval in the draft ordinance, as amended by Planner Whetstone, and with the amendment to Condition #3 to include the hard surfaces, and the request to add a zone line to zone the easterly portion of Lots 1, 2 and 6 and the wetlands portion of Lot 7 to ROS zoning.

Commissioner Hontz referred to page 225 of the Staff report, and language in Condition #7, "Construction of a five-foot wide public sidewalk along Payday Drive...." "The sidewalk and all required public improvements including, landscaping on the public right-of-way, shall be complete prior to issuance of a certificate of occupancy for any house on the property." Commissioner Hontz pointed out that Mr. Richards already has a house on his property; therefore, the condition was not accurately written. She wanted to make sure that nothing else could be built until the sidewalk and all improvements were installed. Planner Whetstone revised Condition #7 to state, "...for any new construction on the property subject to the final plat."

Commissioner Gross seconded the motion.

VOTE: The motion passed 4-2. Commissioners Gross, Thomas, Wintzer and Strachan voted in favor of the motion. Commissioners Savage and Hontz were opposed.

Planner Whetstone requested that the Commissioners be more definitive on the location of the proposed ROS line. Commissioner Savage understood that the Commissioners intended to arbitrarily decide this evening how Mr. Richards would have to divide his lots. Commissioner Wintzer replied that this was correct. Planner Whetstone stated that this has previously been done on other parcels. One in particular was Morning Star Estates, which had more restrictive zoning for the open space. However, the City typically plats the ROS line, which is the limit of disturbance line. In this case they were platting building pads and the remainder of the lot would be unbuildable area. Planner Whetstone believed that ROS zoning for the wetlands and the wetlands setback area made sense on Lots 6 and 7.

Assistant City Attorney McLean recommended that the Planning Commission consider where they wanted the absolute no-build zone as opposed to defining the building pads. That would allow some flexibility for shifting the building pad as long as it stayed out of the no-build area. Commissioner Hontz remarked that there was already agreement on areas where building could not occur because of the wetlands. This was just an added layer of protection. Commissioner Savage was comfortable with an ROS designation on the wetland areas because it was already an unbuildable area.

Commissioner Thomas indicated the existing homes along Payday and the last house before Mr. Richards. He remarked that if the existing property line between the two properties

continued straight up, that could delineate the ROS zone. It would leave a non-complying barn in the ROS zone, but the other two barns would be forced forward slightly. Planner Whetstone pointed out that a barn would be allowed in the ROS zone as an accessory structure through a CUP. Commissioner Thomas stated that extending the property line would not necessitate moving the barn on Lot 1. The barn on Lot 2 would probably have to shift forward. Commissioner Gross asked if the existing barn could be grandfathered in its existing location within the ROS zone, with the caveat that if it were ever demolished and replaced, the replacement barn would have to move. Commissioner Thomas pointed out that in addition to building pads, they could designate non-disturbance lines that are platted on the subdivision plat to help protect the sensitive areas.

Commissioner Savage assumed that the items they were discussing could be accomplished in conjunction with the subdivision approval. Commissioner Thomas stated that other than the modification of the zone, the rest could be accomplished with the subdivision. Commissioner Savage reiterated his earlier position that the Planning Commission was willy-nilly imposing a constraint on Mr. Richards in an effort to get a "get" now, when they would have significant amount of control and influence at the time of the subdivision. In his opinion, doing it now provides no benefit to the City and it detracts the ability for Mr. Richards to have maximum creativity to plan his subdivision. Commissioner Wintzer pointed out that a motion had already been made and it was voted on and passed.

Director Eddington understood that the Planning Commission was recommending moving the ROS line to the west approximately 75 feet. Planner Whetstone clarified that it would be from the northwest corner of Lot 9 of the Thaynes Creek Subdivision and continues north, parallel to the northern property line of Lot 6. It would also encompass all of the wetland areas. Commissioner Hontz suggested that instead of forming a triangle, it should be an east to west or west to east line somewhere north of the barn on Lot 7.

Assistant City Attorney McLean stated that accessory buildings less than 600 square feet are allowed uses in the ROS zone. A barn is called out as an accessory building in the Code. An accessory building larger than 600 square feet would require a conditional use in the zone. Commissioner Thomas asked if they could establish the buildings pads since they were looking forward to doing a plat amendment. Ms. McLean replied that they could establish the building pad area, but if the property is zoned, a building pad could not be placed within a zone that does not allow it.

Planner Whetstone reviewed the proposed changes in addition to the ones she had revised earlier in the meeting.

- Condition #3 – To define driveways and hard surface areas at the time of the final subdivision plat.

- The recommendation that the easternmost 80' of Lots 1, 2, and 6 and the northern most 250' of Lot 7 be zoned Recreation Open Space (ROS) with the remaining portions of these lots zoned Single Family (SF).

Mr. Richards asked if he would be able to have a gravel road to the back of his property. Planner Whetstone stated that he could put a driveway in the ROS zone.

Commissioner Hontz clarified that everything starting on Highway 224 on the open space parcel all the way over to the new line would be zoned ROS, and it would then go up to Lot 7. The ROS zone would be contiguous to the east and to the south and the west. Planner Whetstone replied that this was correct.

Due to the discussion and additional changes following the vote on the previous motion, the motion was amended and voted on again.

MOTION: Commissioner Wintzer amended his previous motion to include the clarification of the new ROS lines as stated by Planner Whetstone. Commissioner Gross seconded the motion.

VOTE: The motion passed 4-2. Commissioners Strachan, Wintzer, Thomas and Gross voted in favor of the motion. Commissioners Savage and Hontz were opposed.

Findings of Fact – Richard Parcel Annexation

1. On February 7, 2012, the applicants filed an annexation petition with the City Recorder for annexation of two parcels currently within the jurisdiction of Summit County and completely surrounded by properties within the Park City municipal boundaries.
2. The applicants are requesting annexation and zoning approval for two separately owned parcels. The Frank Richards parcel is 13.75 acres and the requested zoning is Single Family (SF). The PCMC parcel is 19.74 acres and the requested zoning is Recreation Open Space (ROS).
3. The property is located north of Payday Drive (north of the Thayne's Creek Ranch Subdivision), south of Aspen Springs Subdivision, east of Iron Canyon Subdivision, and west of Highway 224 (Exhibit A). The property is surrounded on all boundaries by Park City municipal boundaries and is considered an island of unincorporated land.
4. The applicants submitted an annexation plat for the two parcels, prepared by a licensed surveyor and additional annexation petition materials according to provisions of the City's Annexation Policy Plan and Utah State Code. A preliminary subdivision plat and an existing conditions survey map were also submitted.
5. The preliminary plat indicates four lots in Phase I and three possible future lots in Phase II. The existing home and horse training facility are in Phase II and may remain unplatted until a final subdivision plat is submitted and approved by the City for that property.
6. The petition was accepted by the City Council February 16, 2012 and certified by the City Recorder on March 1, 2012. Notice of certification was mailed to affected entities as required by the State Code. The protest period for acceptance of the petition ended on April 1st. No protests to the petition were filed.

7. The PCMC property is a dedicated open space parcel, subject to a March 24th, 2005, Deed of Conservation Easement in favor of the Summit Land Conservancy, in perpetuity. In 1999, the City purchased this 19.74 acre parcel through a purchase agreement with the Trust for Public Land from Frank Richards. A Lease Agreement is required for any use of the PCMC Parcel by any entity other than the City.
8. The PCMC parcel is currently utilized for grazing and growing of hay, as well as for undisturbed open space along streams, irrigation ditches, and wetlands. The City provides winter time grooming of a ski trail within the parcel, along Hwy 224. The land was originally part of the Frank Richards property. The PCMC property will remain as open space in perpetuity, subject to restrictions of the Conservation Easement.
9. The property is located within the Park City Municipal Corporation Annexation Expansion Area boundary, as described in the adopted Annexation Policy Plan (Land Management Code (LMC) Chapter 8) and is contiguous with the current Park City Municipal Boundary along the south property lines with the Thayne's Creek Subdivision Annexation (June 2, 1989) and the Treasure Mountain Annexation (Thayne's Canyon Subdivision) (July 28, 1971). The property is contiguous with the City along the north property lines with the Peterson Property Annexation (February 22, 1993) and the Chamber Bureau Kiosk Annexation. Along the west property lines there is contiguity with the Smith Ranch Annexation (July 14, 1988) (aka Aspen Springs Subdivision) and the Iron Canyon Annexation (October 28, 1983). Along the east property lines there is contiguity with the McLeod Creek Annexation (May 7, 1979).
10. The property is the entirety of property owned in this location by these applicants that has not already been annexed to the City.
11. Access to the Richards property is from Payday Drive at the existing driveway to the Richards arm. Access to the PCMC property is also from Payday Drive, just west of Hwy 224 at a stubbed in roadway. This access is used by ski grooming equipment and other municipal vehicles to maintain the property. No access is proposed directly off of Highway 224 with this annexation or for the subdivision.
12. The property is subject to the Employee/Affordable Housing requirements of the Affordable Housing Guidelines and Standards Resolution 20-07. One Affordable Unit Equivalent equals 900 square feet. The affordable housing obligation is 15% of 6 new units or 0.9 AUE (810 sf). Affordable housing shall be provided on-site according to requirements of the Housing Resolution 20-07, unless payment of fees in lieu is approved by the Park City Housing Authority. Additional requirements regarding affordable housing are spelled out in the Annexation Agreement. Fees in lieu are subject to the dollar amounts established by the Housing Authority and in effect at the time of submittal of building permits.
13. Land uses proposed in the subdivision include a total of 7 single family lots and 1 common area lot (Lot 8 of the preliminary plat) for an existing riding arena. No density is assigned or permitted to be developed on Lot 8. Only one single family home and one

barn are permitted to be constructed on the remaining lots. Lot 5 of the preliminary plat contains an existing single family house and a guest house. These uses are permitted. A maximum of 2 horses per acre of lot area are permitted on lots containing one acre or more, subject to an administrative conditional use permit and an animal management plan. The PCMC parcel allows only uses permitted by the Conservation Easement.

14. The proposed land uses are consistent with the purpose statements of the SF and ROS zones respectively. The SF zone does not allow nightly rental uses and restricting this use is desired by the neighborhood. The Annexation Agreement and preliminary plat limit the total number of lots seven (7) and the final plat would include a note indicating that no further subdivision of lots is allowed and no residential or commercial density is permitted on Lot 8.
15. Annexation of this parcel will not create an island, peninsula, or irregular city boundary. The annexation is a logical extension of the City Boundary.
16. Provision of municipal services for this property is more efficiently provided by Park City than by Summit County.
17. Areas of wetlands and irrigation ditches have been identified on the property.
18. The annexation is outside the City's Soils Ordinance District and there are no areas of steep slope that would indicate the property should be placed in the Sensitive Lands Overlay Zone. Wetlands and streams are protected by language in the LMC requiring minimum setbacks and protection during construction. The platting and designation of sensitive areas as platted ROS (Recreation Open Space) will further protect these sensitive areas from impacts of development.
19. The annexation petition has been reviewed pursuant to the Utah Code Annotated (UCA) Section 10-2-4-1, 10-2-402 and 10-2-403. The annexation petition requirements set forth in these sections of the UCA have been met; including issues of 1) contiguity and municipal annexation expansion area, 2) boundaries drawn along existing local districts, special districts and other taxing entities, and 3) for the content of the petition.
20. The proposed annexation is consistent with the purpose statements of the Annexation Policy Plan and as conditioned will protect the general interests and character of the community; assure orderly growth and development of the Park City community in terms of utilities and public services; preserve open space and ensure environmental quality; protect a prominent entry corridor, view sheds and environmentally Sensitive Lands; enhance pedestrian connectivity, create buffer areas; and protect the general public health, safety and welfare.
21. City Staff has reviewed the proposed annexation and preliminary plat against the general requirements established for annexation to Park City as presented in LMC Section 15-8-2 and as further described in the Analysis section of this report.

22. The property was posted, courtesy notices were mailed to surrounding property owners, and legal notice was published in the Park Record according to requirements for annexations in the Land Management Code.

Conclusions of Law – Richards Parcel Annexation

1. The Annexation and Zoning Map amendment are consistent with the Annexation Policy Plan and the Park City General Plan.
2. Approval of the Annexation and Zoning Map amendment does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval – Richard Parcel Annexation

1. The Official Zoning Map shall be amended to designate the PCMC property as Recreation Open Space (ROS) and the Richards' Parcel as Single Family (SF) with the easternmost 80' of Lots 1, 2, and 6 and the northern most 250' of Lot 7 to be zoned Recreation Open Space (ROS) with the remaining portions of these lots zoned Single Family (SF).
2. The Annexation Agreement shall be fully executed and recorded at Summit County.
3. Recordation of a final subdivision plat, to create legal lots of record; dedicate utility, access, drainage, snow storage, and irrigation easements; identify building pads for houses and barns; identify limits of disturbance areas and define driveway and hard surface areas; establish architectural guidelines for barns; establish fencing details; and to address other issues that are typically addressed at the time of the final subdivision plat, is a requirement prior to commencing of site work and issuance of building permits on the Property.
4. The final subdivision plat shall be in substantial compliance with the preliminary plat submitted with the Annexation petition and reviewed by the Planning Commission.
5. All exterior lighting shall be reviewed with each building permit application for compliance with best lighting practices as recommended by the Dark Skies organization.
6. Fencing shall be consistent throughout the subdivision and described on the final subdivision plat and in the CCRs. A fencing plan shall be submitted with the final subdivision plat application and with each building permit application to allow Staff to review all fencing for consistency throughout the subdivision and to review impacts of fencing on wildlife movement through the site. The fencing plan shall include location of fences and materials, dimensions, and installation methods.
7. Construction of a five foot wide public sidewalk along Payday Drive connecting the existing sidewalk on the north side of the street with a pedestrian crossing at Iron Mountain Drive is required and shall be identified on the final subdivision plat. The sidewalk and all required public improvements, including landscaping of the public right-

of-way along Payday Drive, shall be completed prior to issuance of a certificate of occupancy for any new construction on the Property.

8. A grading plan and landscape plan shall be submitted with each building permit application and this requirement shall be noted on the final subdivision plat. A landscaping plan for public right-of-way and any common areas shall be submitted with the final subdivision plat.
9. A note shall be included on the final subdivision plats requiring each new house in the development to meet LEED for Homes Silver Rating certification (at a minimum) with required water conservation requirements as further described in the Annexation Agreement.
10. Excavated materials shall remain on site to the greatest extent possible.
11. Use of the PCMC parcel shall be addressed and regulated by a signed and executed License Agreement for Agricultural Use and grazing prior to commencing the use. All use of the PCMC parcel shall comply with the March 24, 2005 Deed of Conservation Easement by and between Park City Municipal Corporation and in favor of Summit Land Conservancy.
12. The application is subject to the City's Affordable Housing Resolution 20-07 and as further described in the Annexation Agreement. Affordable housing obligation shall be provided on the property, unless otherwise approved by the Park City Housing Authority.
13. A note shall be added to the final subdivision plats stating that the Planning Director may grant an administrative Conditional Use permit for the raising and grazing of horses on these lots, including a barn located within the building pad identified on the final subdivision plat, provided the application complies with the LMC requirements for raising and grazing of horses and providing an Animal Management Plan is submitted and approved.
14. Access easements shall be provided on the final plat, along lot lines to facilitate access to the PCMC parcel, for equestrian use and for maintenance of the parcel as allowed by the March 2005 Deed of Conservation Easement.
15. All conditions and restrictions of the Annexation Agreement shall continue to apply to the Final Subdivision plat.
16. The final subdivision plat shall dedicate a private access easement for the Ross-Gaebe Property to memorialize the existing private easement across the existing driveway and to extend this easement to the public ROW at Payday Drive.
17. Prior to recordation of a final subdivision plat, an historic and cultural resources survey of the Property shall be conducted by the Applicants in conformance with the City's Historic Preservation Chapter 11 of the Land Management Code and a certification letter

regarding any historic and cultural resources be submitted to the City. Any discovered historical structures shall be added to the City's Historic Sites Inventory, and designed as either "Significant" or "Landmark" according to the criteria as listed in LMC Chapter 11.

18. Ownership of water rights shall not affect the application of the Impact Fee Ordinance to the property at the time of development of the lots.

The Park City Planning Commission meeting adjourned at 10:30 p.m.

Approved by Planning Commission: _____

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH,
JANUARY 31, 2013**

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, January 31, 2013. Members in attendance were Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, and Dick Peek. Council member Liza Simpson was absent and excused. Staff present was Diane Foster, Interim City Manager; Tom Daley, Deputy City Attorney; Mark Harrington, City Attorney; Kirsten Whetstone, Planner; and Heinrich Deters, Trails Coordinator.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Andy Beerman reported that he and Alex Butwinski joined the Leadership Class at the Legislature which was a great opportunity and Mr. Butwinski commented that yesterday he and Mr. Beerman attended the ULCT luncheon on this year's legislative session.

The Mayor thanked everyone contributing to another successful Sundance Film Festival. He attended the SBSRD meeting this week and pointed out that the International Women's Forum is meeting in town. He spoke about being invited to participate in a conference call on KPCW on immigration next week with the Sutherland Institute. President Obama has introduced his new immigration platform which directly affects our community. The immigration system has not been revamped since 1991 and the areas of focus are enforcement and the path to citizenship which affects 11 million people in the United States.

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

Jeff Love Complaint - Jeff Love, 615 Woodside, asked if there are any updates since Ms. Leithead made her decision. There were none. He doesn't agree with her decision and asked if there is an appeal process. Tom Daley responded that there is no appeal process in the ordinance itself, but Mr. Love may have other legal options. Mr. Daley understood that Mr. Love's attorney no longer represents him. Mr. Love stated that since he no longer has legal representation he hoped that someone could speak to him directly. He asked if Ms. Leithead represented PCMC or whether she is an independent third party. Mr. Daley emphasized that she is an independent third party and is the administrator under the ordinance. She is not an attorney for PCMC. He offered to arrange a meeting with Mr. Love and Ms. Leithead and would be happy to attend the meeting as well. Mr. Love asked if she represented PCMC in the past or in the future and Mr. Daley stated that these are questions that he would be happy to answer in a meeting. Mr. Love stated that he tried to get answers in the past, but no one would talk to him. He is not sure how Ms. Leithead as the administrator of this complaint can do a thorough investigation and never speak to him. It is a little puzzling

to him.

The Mayor interjected that he is having an issue here because there is the threat of a lawsuit against PCMC and he is not sure that Public Input is the right forum to have this discussion. The City Council does not necessarily have the legal background to be able to answer his questions.

Mr. Love stated that these are not legal questions, but comments. This is Public Input and he is surprised that the Mayor is trying to limit it. Mayor Williams responded that Mr. Love can throw any number of questions at members, but is not sure this body can answer them. Deputy Attorney Daley commented that the intent is not to curtail public input and again suggested setting up a meeting to see how many questions can be answered and what may be appropriate for Public Input.

Mr. Love stated that with respect to a lawsuit, he will make the same offer that he made five months ago to the Council by waiving his rights to file a lawsuit if members will investigate his complaint. This has never been about money, but rather about the truth and what went on with his application. He has repeatedly tried and has had numerous meetings and everyone who have said that this is not the right forum. This isn't the right time to talk about this. He asked what the right forum is. He waited until litigation was done and then he came to Council and tried to resolve this and unfortunately, the City Council has no interest in knowing the truth it appears.

He indicated that he was naïve enough to think that Ms. Leithead would be an independent third party reviewing the complaint but if the Council reads her decision, first of all, Tom Eddington is not a city attorney. Mr. Love stated that he filed one HDDR application, not three, and the City did not approve his HDDR. She has confused a plat amendment with a HDDR application and if she had bothered to speak to him, she might have gotten the facts correct. Mr. Love stated that he would love to have the opportunity to convey evidence to Council of what went on and he has never had that opportunity, except for meeting with Dana Williams on July 20, 2012. The rest of the Council has not given him the opportunity to convey what went on and he has the facts to support everything that he has said in the past.

Mr. Love stated that Ms. Leithead's decision was based on her finding that he didn't complain soon enough and what is ironic is that over the last two and a half years, he has probably personally approached the Mayor 30 times to complain about what's going on. It is ironic that she would throw out he didn't complain soon enough and the other irony is that the statute of limitations is 180 days and the four times that she said that he had the opportunity to complain, he personally felt it was more corruption related than discrimination related. It was a little hard to determine what was going on. Mr. Love reiterated that it is a little ironic that he didn't complain soon enough and the reality is it wasn't until Mark Harrington disclosed to Council on July 20th what the City's position was about. That's when he realized what was going on.

Tom Daley stated that at this point, we're getting into legal claims and he advised Council not to respond. He suggested renewing the invitation to Mr. Love to meet with him. Jeff Love stated that he would be happy to meet with Mr. Daley but would like some Council members present to discuss what went on in the past. He repeated that Ms. Leithead decided that it wasn't a timely complaint but encouraged members to call her to ask her personal opinion of what went on and you will not like the answer she is going to give you. He can make himself available to her to discuss what went on in the past. It was definitely discrimination that occurred but this is all corruption-based. He would appreciate some sort of response from the City.

IV RESIGNATIONS AND APPOINTMENTS

Consideration of an appointment to the Historic Preservation Board to fill an unexpired term to May 2014 – Dick Peek, "I move to appoint Gary Bush to the HPB".
Andy Beerman seconded. Motion carried.

Andy Beerman	Aye
Alex Butwinski	Aye
Cindy Matsumoto	Aye
Dick Peek	Aye
Liza Simpson	Absent

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

1. Consideration of the Richards/Park City Municipal Corporation Annexation and Zoning Map Amendment, in a form approved by the City Attorney - Kirsten Whetstone introduced Frank Richards and Steve Schueler from Alliance Engineering. The annexation relates to two parcels, one owned by the City and the other by Frank Richards for a total of 33 acres. The Richards Parcel contains 13.75 acres and a preliminary plat has been prepared which is a requirement of the Annexation Petition. The plan is for seven single family lots and the applicant is requesting Single Family zoning which is consistent with adjacent subdivisions surrounding the parcel. The parcel is an island in the County's jurisdiction and is zoned Rural Residential which is 1:20 for developable areas and 1:40 for sensitive lands. The property is distant from any other County properties under its jurisdiction. She stated that the Planning Commission recommended that a portion of the Richards Parcel be zoned ROS to add layers of regulation to prevent density increase. The PCMC Parcel is 19.74 acres and will remain as open space and the City is the co-petitioner. This is consistent with the other open space zones in the area. All of the uses on the parcel would require a lease agreement which is scheduled later on the agenda. Ms. Whetstone pointed out that the parcel is also subject to a deed conservation easement.

She relayed that the Annexation Agreement outlines the zoning and density and the PCMC Parcel will be subject to Conditions of Approval listed in the Ordinance. The

development of the Richards Parcel requires a subdivision plat and the zoning map must be amended as well. She displayed a map of the parcels and pointed out one remaining island left of County property which may be annexed in the future as it has no access. She displayed the preliminary plat which has an existing house on Lot 5, three lots along Payday and three lots further up into the parcel. The wetlands were identified as well as the required 50 foot setback requirement. Ms. Whetstone noted that there is an indoor riding arena on Lot 8 and a hay barn on Lot 6 and displayed photographs of different view corridors.

Kirsten Whetstone explained that it is appropriate for Council to give direction to the Planning Commission on features of the final subdivision plat. The building and barn pad locations will be finalized at the time of final plat review and may actually be platted. These lots are intended to be equestrian lots with specific build areas and a fencing plan. There are a few items that need to be addressed by the City Council including final action on the annexation and zoning, the water agreement, and a lease agreement for the PCMC parcel with Frank Richards. The affordable housing must be constructed on site unless a different decision is made by the Housing Authority. More photographs were shown of the area from different views.

She pointed out the public benefits of the annexation including local control as the property sits on our entry corridor. It is important to provide City services and water to contiguous properties, maintain the equestrian and rural character of the area and preserve sensitive lands. There is a reduction in density when compared to the surrounding Single Family which is 3:1 acre. This results in 35 units and the proposal is for seven which is fixed with the adoption of the Annexation Agreement. The applicant has agreed to LEED Silver for all of the homes with a water conservation component and the development will provide pedestrian connectivity. The Payday sidewalk will be continued to Iron Canyon Drive.

She explained that the Planning Commission recommended that the north 250 feet of Lot 7 be zoned ROS and the easternmost portion of the lots zoned ROS as opposed to staff's recommendation which was to place a no build designation but keep it in Single Family zoning. Staff is recommending holding a public hearing and adopting the Ordinance based on the Findings of Fact, Conclusions of Law and Conditions of Approval.

Alex Butwinski asked if the no build zone provides stronger protection rather than zoning it ROS. Kirsten Whetstone explained that the ROS allows structures 600 square feet or less under an administrative CUP. Mr. Butwinski asked if Mr. Richards is okay with the no build zone and Mr. Richards expressed his intention to subdivide the property into seven lots plus the indoor arena lot which is separate. He would like to have Single Family zoning like the surrounding neighborhood. The Annexation Agreement is consistent about the PCMC Parcel being ROS and his zoning Single Family except for the back 250 feet of Lot 7 which will also be zoned ROS. It is very

difficult to try and sell a lot with two different zoning designations and the no build zone doesn't allow any structures.

Cindy Matsumoto asked if the barn on Lot 7 will remain and Kirsten Whetstone explained that it requires a CUP in the ROS for structures larger than 600 square feet. This hay barn is about 1,300 square feet. She believed that the intent of the Planning Commission was to eliminate structures on the east side.

Andy Beerman asked for clarification on the Planning Commission's logic compared to staff's recommendation. Ms. Whetstone believed the Commission was concerned about a density increase because the zoning is Single Family which allows 3:1 but there is an Annexation Agreement which controls the density unless it is renegotiated. The Commission felt that layered regulation will make it more difficult to change. She explained that the Planning Commission forwarded a positive recommendation on a 4:2 vote but the two opposed where opposed for opposite reasons. One Commissioner felt the recommended zoning for the back of the lots was too strict and the other believed there weren't enough layers of regulation. The intent of keeping the structures to the west was to mitigate visual impacts. Mr. Beerman asked about the process for renegotiating an annexation agreement. Mark Harrington explained that annexations are legislative as opposed to administrative actions and are more difficult to amend. Administrative decisions are controlled by the parameters of the Code and the burden shifts to the City to show non-compliance with adopted criteria. The no build zone pursuant to the Annexation Agreement will be stronger than ROS but the Planning Commission viewed both as layers of regulation and in addition, a rezone is required. Mr. Harrington expressed that it may create additional confusion and expectations because it is a little more permissive. He cautioned against additional layers that have varying degrees of expectations because it is confusing and may set up a different argument down the road.

Cindy Matsumoto asked about the old road along Payday Drive and Mr. Richards explained that the City owns it as well as the 50 foot right-of-way. In response to a question from Dick Peek about the utility layout in the meeting packet, Mr. Schueler explained that it was an older concept and part of the original Annexation Petition. Many elements of the utility plan will still be the same but it's just an old configuration that has been refined over the course of the last year. He elaborated on details of the connections.

Kirsten Whetstone commented that she received an email from the McDonalds after the meeting packet was published. The Mayor opened the public hearing.

Chris McDonald, owner of Lot 7 in Aspen Springs, relayed that his wife spoke at the last Planning Commission meeting. He thanked Mr. Richards for reaching out to his neighbors and he appreciates that he wants to develop his property as a continued legacy to his family and should be able to develop his property within the confines of the Code. He stated that he and his wife do not support the development of any way of Lot

7. The placement of the building pad in any location on the lot will severely impact their view corridor and the views along SR224 as well as make the home seem to stand alone in the pasture disjointed from the rest of the community. He continued that if the proposal is approved, the placement of the building pad is of the utmost importance. Any placement that adheres to the property lines, setbacks, and wetland setbacks will have the same negative view impact whether it is north, south or east from its current position. The pad placement in any of those directions will have a huge impact on Lot 7 in Aspen Springs. The pad, as now shown, is in the absolute worst location with regard to the impact on their existing home. They had to accept the indoor riding rink, obstructing their views to the south when they purchased their home but the pad placement on Lot 7, as depicted, will result in having structures to the south, southeast and east. Mr. McDonald expressed that the further east the pad placement is moved, the less impact, and moving the house to the barn location would hide the home behind existing landscaping at a reduced elevation. Moving the home where the cul-de-sac is depicted further south, would tighten up the subdivision and would open their view corridor. Lot 7 looks like its forced to fit into this plan and he would be happy to spearhead some fund-raising for the City to buy that lot.

He has some questions about variations in the plan. Initially, Lot 4 was included which the Planning Commission did not support and the current Lot 7 was the old Lot 4 and he asked what has changed now to entice the Commission to forward a positive recommendation. He asked if objections have been raised from other residents about the development of Lot 7 which was approved with conditions and invited members to his deck to observe his concerns. Ms. Whetstone displayed a photograph of the view from his house and he pointed out the trees to the north which would hide the home. Mr. McDonald stated that the Commission wants to move it further south which places it in an open area. This would be a non-issue if the 50 foot setbacks were not required from the wetlands. Kirsten Whetstone advised that this plan has not changed since the December 12, 2012 Planning Commission meeting. There was discussion about moving the pad down further but this is really an issue that should be addressed when the final plat is reviewed. Ms. Whetstone added that building height is another consideration and there is a height restriction on Lot 7 proposed on the preliminary plat of 28 feet with the rest of homes at 33 feet. Mayor Williams asked if this was specific to protecting the view corridor of the houses behind it. She pointed out the small rise at the pad location, the height restriction would keep it lower, and it is possible that the Planning Commission will further restrict it at 24 feet.

Andy Beerman asked Mr. McDonald if he has spoken to Mr. Richards about purchasing the lot. Chris McDonald stated that he would entertain the idea if he could afford it and Mr. Richards stated that he is open to the sale. Mayor Williams interjected that to a certain extent this is not in front of City Council because the pads are not being defined tonight. Mr. McDonald pointed out some old *treasures* on the property which makes his backyard look very rural which they like. This equipment will be moved out and in place of that, will be a home. Mr. Richards explained that he and his family have been there for 35 years and farmed the property. He is proposing to remove the barn, the corals,

loading shoots and other equipment to continue the tree lined driveway with a white vinyl fence on either side to the cul-de-sac. He discussed a displayed photograph pointing out that the back of the lots are probably 1,000 feet from the road. Steve Schueler stated that initially the house was pushed back behind the trees and the Planning Commission decided to pull it in closer to the cul-de-sac at its current location. He suggested working with Mr. McDonald and staff on the building pad location.

Mayor Williams emphasized that delineating the areas of disturbance is not before the City Council and the final plat will return to the Planning Commission and City Council. Ms. Whetstone discussed the desire to be fairly consistent with the preliminary and final plat. The Mayor stated that this doesn't preclude discussions between Mr. McDonald, staff and Mr. Richards regarding the placement of the house on Lot 7 and Ms. Whetstone agreed.

Mr. McDonald reiterated their objections initially to Lot 7 and she explained that it was a concern raised by staff and the Planning Commission talked about it and restricted the north area of the lot to ROS. Frank Richards stated that the coverage on Lot 7 is less than 5% of the total area. Mr. McDonald felt that is a result of the setbacks and the wetlands resulting in very limited space. Initially when the neighborhood was noticed about the annexation, this was a non-build area and the plan went from four, to six to seven lots. The only impacted home in Aspen Springs is their property and they are surrounded. Frank Richards pointed out that the riding arena was there when they purchased their home and Mr. McDonald acknowledged that they knew this property could be developed when they purchased their property and he asked if there are other alternatives for Lot 7. Ms. Whetstone commented on staff meeting with Mr. Richards and Alliance Engineering on these same questions. A minimum of one acre is required for horse lots and when the plan went from six to seven lots, two lots on Payday were combined. The wetlands were discussed.

The Mayor felt there is space to move the pad on Lot 7 and Kirsten Whetstone stated that there will be more information at the time of the final plat review process. Cindy Matsumoto encouraged Mr. McDonald to remain involved in the next phase of the project. She stated that somebody built in front of her house too. Mr. McDonald felt something can be worked out and spoke about Commissioner Wintzer's desire to push the development toward the road in the corner but Mr. Richards didn't believe Mr. Wintzer said that. Mr. McDonald feared that the Planning Commission will have limited leeway to change the preliminary plan and the pad placement is critical. Ms. Whetstone recalled that Commissioner Wintzer mentioned several times that the Planning Commission was not finalizing building pads at this time and wanted building pads and hard surfaced areas to be determined at the time of the final plat.

Mr. Richards stated that the average lot is two acres and he is concerned that placing too many conditions will make them unattractive to buyers. He is supportive of the no build areas and pointed out that with ROS zoning, a 600 square foot building can be constructed anywhere on the lot. The Mayor invited input from others.

Mike Jorgensen, Payday Drive, stated that his home is adjacent to the proposed plan. He spoke about being civil during the process. He does not have any financial stake in the project but objected to the ROS designation as it would allow someone to build a structure 30 feet wide, 30 feet long, 20 feet deep and 33 feet high on the edge of his property. The gets identified make the negatives sound wonderful. He didn't feel that this annexation is harmful but found it interesting that Mr. Richards has agreed to build a sidewalk on someone else's property. The last plan presented to the Planning Commission was really good but the barns are now 20 feet high and should be lowered to 18 feet. He worries about the fence which is an unknown at this point. His biggest concern about the Planning Commission meeting was that after the public hearing was closed, the Commission proposed a change in the zoning so there was no opportunity to comment on it. The City Attorney advised that this is legal but Mr. Jorgensen felt it is unethical. There were random zones of ROS created and the vote had to be taken twice because the idea was slammed through so quickly. He again pointed out that a 600 square foot structure can be built on ROS. He reiterated that the zoning was adopted after the public hearing closed. Mr. Richards has been very good with neighbors and pointed out that he could have built 135 affordable housing units on his parcel with County zoning and fortunately he did not do that. He encouraged looking at Mr. Richards' original barn idea and he again thanked everyone for being civil.

Cindy Matsumoto understood that the design of the barns has not been finalized and will probably match the style of the house. Frank Richards explained that his original proposal is to build MD Barns, which are considered to be the premiere horse barns in the country. Even though the barns might look similar, they would be the finest available. One of the Planning Commissioners thought the idea was ridiculous and the barns should reflect the house style. The Mayor asked if the increase from 14 feet to 18 feet was to accommodate pitched roofs. Ms. Whetstone believed it was to achieve variety.

Mike Jorgensen relayed that Commissioner Jack Thomas, who is also an architect, stated that there were many different designs that would work at 14 feet, but he didn't personally feel that is possible. Now they are 18 feet and he would prefer that the barns be shorter. Steve Schueler added that this is something that can be resolved with other concerns.

Vicky Gaby believed that she is Frank Richards' longest standing neighbor and lives near the island where the indoor arena serves as one of her fences, Aspen Springs as another fence, and Iron Canyon as a pasture. She is annexed into the City and has been a neighbor of the Richards for 35 plus years. Mr. Richards has taken excellent care of the property. She is very supportive of his plan as someone else could build a dense project on the property.

With no further input, the public hearing was closed.

Alex Butwinski totally agreed that Mr. Richards has been very patient throughout the process. One of the Planning Commission members talked about not getting enough *gets* and he agreed that it does tend to get some negative connotation. The City will actually get some good things with the annexation including the potential for an increased property tax base as these lots are developed. The plat will confirm the number of building lots and if the process occurred in the County, something in the range of 45 units could be approved. The City also receives impact fees and a sidewalk along Payday Drive and he feels we gain a significant number of *gets* with the annexation. He stated that he has sympathy for preserving Mr. McDonald's view corridor but he, like Cindy Matsumoto, had a house built right behind him which is the nature of the environment we live in. Mr. Richards seems amenable to working with Chris McDonald. He agreed with Mr. Richards on the reduced salability of a lot with a bifurcated zone whether or not it affects the value, it would affect potential buyers who may not understand the zoning. After listening to the City Attorney and some other discussion about a no build zone being tighter, and the applicant is willing to agree to that, there is no reason not to approve the Annexation Agreement.

Mayor Williams felt that the City gained a bigger *get* in 1999 which is the whole area parallel to the entry corridor which was one of the first pieces that we bought from the farm. Cindy Matsumoto stated that she agrees with Mr. Butwinski about having two zones on a lot which would be confusing and the no build zone on the property seems better. She hoped the final subdivision plat will reflect a solution for the building pad on Lot 7. She understood Mr. McDonald's concern because he seems like the only one impacted and supported helping him out as much as possible. She discussed considering purchasing a home on Payday 20 years ago but understood there were plans for 100 homes behind the street. It is a real asset to Park City to have less homes and maintain a more open rural look and she supports moving forward with the annexation as proposed by staff.

Dick Peek asked the potential of the HOA running the riding arena as a commercial operation. Frank Richards stated the riding arena is private and this will be addressed in the CC&Rs. The riding arena is for the exclusive use of home owners in the subdivision. Mr. Peek did not like the white vinyl fencing around the property and Mr. Richards explained that they presented a fence proposal based on a request from the Planning Commission. He pointed out a number of locations on the property with the white vinyl fencing and they are proposing to keep the same style with a part of the area fenced with post and rail. Steve Schueler discussed the intent to make the fence less visible on Lot 7. Mr. Peek felt the no build zone is stronger than ROS and supported it.

Andy Beerman stated that he feels this is a reasonable proposal. It is not perfect and will impact the neighbors but agrees with the Mayor on the bigger *get* of acquiring open space on the entry corridor. He doesn't support the ROS zoning as it places a potential burden on Mr. Richards and doesn't protect the City.

Mr. Richards asked if the placement of the houses and barns are determined, can the rest of the lot be fenced in such a way that it could be pasture. Dick Peek clarified that the question is whether a fence would be allowed in a no build zone. Mr. Richards spoke about the Planning Commission tightening the development up as much as it could but it would be better if owners had some flexibility on the location of the barn as long as the barn is not within the back 50 or 100 feet of their lot. These lots are a long way from the road and he has no problem with limiting the buildings but he has an issue with not having any freedom to locate the barn. Someone in the future may want to lease the City's property for grazing and the location of the barn should be practical. In response to a question from the Mayor, Kirsten Whetstone explained that the Code specifies that barns must be a minimum of 75 feet from the houses. Mr. Richards pointed out that is only 50 to 100 feet in relation to being 700 or 800 feet from the road. Lots are limited to a house and a barn and there should be some freedom as to their placement. He stated that the barn cannot be any closer than 75 feet to the house which prompted the Commission to tighten up the development. It was clarified that the no build zone was added after the application was submitted.

Mr. Butwinski stated that he specifically asked Mr. Richards if he is okay with the no build zone and he said yes. Frank Richards admitted that he was somewhat confused by the meaning of the no build zone. Mr. Butwinski felt he would have more flexibility with ROS. Mark Harrington clarified that the Planning Commission's recommendation was for both not either. He felt members are on the right track, though, and City Council could give direction to the Planning Commission about further discussion on items. The Council will review the final subdivision plat in any event. The Council could relay to the Planning Commission support for the no build zone, no ROS zoning, with direction to review both the barn size, design and ultimate location, and to tweak the no build zone if the sizes get a little smaller.

Cindy Matsumoto felt that providing flexibility for the location of the barns may be beneficial for Payday residences. Mark Harrington emphasized that the City Council will have the benefit of more visual analysis with the final plat which may prompt changing Lot 7. The Mayor pointed out the potential of a barn being built right behind Mr. Jorgensen's house. The Mayor asked if the Commission had any ideas about the design of the barns and Frank Richards stated that he distributed brochures. Dick Peek understood that each owner will develop the lot which was confirmed.

Chris McDonald feared that the Planning Commission is not going to provide flexibility to move not only the barn pads, but the houses. With regard to Lot 7, the Mayor believed that the direction to the Planning Commission should be to give every effort to preserve and protect view corridors from adjacent lots. Mark Harrington advised that it doesn't need to be a finding but should be incorporated into the motion to be on record with regard to the flexibility with the preliminary plat versus the final plat. The concern is that the Planning Commission will feel the preliminary plat should be consistent with the final plat and may use that as the basis for not being flexible and there should be something on the record in the motion.

Andy Beerman, "I move that we approve the Richards/PCMC Annexation and Zoning Map as amended by the City Attorney subject to the resolution of the water rights title dispute, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval in the draft Ordinance and subject to the draft Annexation Agreement". Alex Butwinski seconded. Mark Harrington clarified that the language, *as amended by the City Attorney*, will be that there is flexibility to revisit the preliminary plat layout with regard to building pads, barn location and design. Mr. Beerman agreed with the clarification as did Mr. Butwinski. Mr. Harrington commented that the reference to water rights relate to the Water Agreement not the Annexation Agreement. Motion carried.

Andy Beerman	Aye
Alex Butwinski	Aye
Cindy Matsumoto	Aye
Dick Peek	Aye
Liza Simpson	Absent

2. Consideration of a lease of City property for agricultural uses between Franklin D. Richards and Park City Municipal Corporation, in a form approved by the City Attorney – Heinrich Deters explained that the lease follows the annexation action and is specific and exclusive to Frank Richards for the term of his life. The purpose is to formalize the historic agricultural and grazing uses associated with the Park City open space and the annexation of the PCMC Parcel. The lease basically provides some oversight and monitoring of the use of the property and has been reviewed by Summit Lands Conservancy and their edits are included.

Mr. Deters stated that Mr. Richards has been a steward of this parcel prior to when the City purchased it and has educated him about the property. It is important to acknowledge that this lease formalizes the historic use and it basically saves the City money. Mr. Richards controls the weeds and takes care of the property and this is a *get* for the community. Alex Butwinski asked if this precludes a future lease with someone else for the same agricultural use. Tom Daley explained that the whole idea was to have Mr. Richards continue to take care of the property and to get a process in place; the lease conforms to the conservation easement. The Mayor pointed out his interest in the agricultural practices associated with the use of pesticides or herbicides and Mr. Deters explained that there is a review process by staff and he will use NRCS as a technical resource. The Mayor invited public input; there was none.

Dick Peek, "I move to enter into an Agreement with Frank Richards and Park City Municipal Corporation regarding the continuation of historical agricultural uses on the PCMC Parcel as set forth in the Lease". Cindy Matsumoto. Motion carried. The Mayor thanked Franklin Richards for everything he has done for the community and is glad this is done.

Andy Beerman	Aye
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Alex Butwinski	Aye
Cindy Matsumoto	Aye
Dick Peek	Aye
Liza Simpson	Absent

VI ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3 p.m. Members in attendance were Mayor Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, and Dick Peek. Liza Simpson was absent and excused. Staff present was Diane Foster, Interim City Manager; Brooke Moss, Human Resources Manager; Matt Cassel, City Engineer; Phyllis Robinson, Public Affairs Manager; Thomas Eddington, Planning Manager; Nate Rockwood, Budget Manager; Kyle McArthur, Water Program Manager; Clint McAfee, Water Manager; Tom Daley, Deputy City Attorney; and Mark Harrington, City Attorney. Andy Beerman, "I move to close the meeting to discuss personnel, property and litigation". Alex Butwinski seconded. Motion carried. The meeting opened at approximately 4:30 p.m. Andy Beerman, "I move to open the meeting". Alex Butwinski seconded. Motion carried.

Andy Beerman	Aye
Alex Butwinski	Aye
Cindy Matsumoto	Aye
Dick Peek	Aye
Liza Simpson	Absent

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

Prepared by Janet M. Scott, City Recorder



character of the community, assure orderly growth and development of the Park City community in terms of utilities and public services; will preserve open space and ensure environmental quality, will protect a prominent entry corridor, view sheds, and environmentally Sensitive Lands; enhance pedestrian connectivity, create buffer areas; and protect the general public health, safety, and welfare.

13. The City Staff and Review Team have reviewed the proposed annexation against the general requirements established for annexation to Park City as presented in LMC Section 15-8-2 and as further described in the Analysis section of the August 27, 2014 Planning Commission Staff Report.

14. No development or subdivision of the land is proposed at this time.

Conclusions of Law - Round Valley Park City Annexation and Zoning

1. The Annexation and Zoning Map amendment are consistent with Annexation Policy Plan and the Park City General Plan.
2. Approval of the Annexation and Zoning Map amendment does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval - Round Valley Park City Annexation and Zoning

1. The Official Zoning Map shall be amended to include the Round Valley Park City Annexation parcels with the Recreation Open Space (ROS) Zone with the Frontage Protection Zone for properties having frontage on State Road 248.
2. The annexation agreement shall be fully executed and recorded with the Annexation Plat.
3. All current ROWs will remain under their respective jurisdiction.
4. **510 Payday Drive – Thayne’s Creek Ranch Estates Phase II Subdivision Plat (Application PL-14-02427)**

Planner Whetstone handed out copies of the revised plat and a revised ordinance amending the findings and conditions.

Planner Whetstone reviewed the subdivision plat application for three single family lots and a parcel for a recreation center in the Thaynes Creek area. The title of the plat is the Thayne's Creek Ranch Estates Phase II. The Phase I plat was approved last year. Planner Whetstone noted that the Richards/PCMC Annexation annexed this area of County land that included the Park City open space along SR224, and 12 acres of property that was privately owned by the Frank Richards Trust. A preliminary plat included seven lots for single family development and an additional parcel for the riding arena.

Planner Whetstone reported that this application was the second phase of that development for Lots 5, 6 and 7. Parcel 8 is a non-residential lot and Lot 5 is the existing farm with an existing family house, a shed with a studio apartment, a guest house with a garage and two barns. Planner Whetstone stated that the lots are single-family lots large enough to be equestrian property and allows two horses per acre.

Planner Whetstone stated that the maximum building footprints for lots 5, 6 and 7 were allowed at 4900 square feet on the preliminary plat. She had inadvertently showed them as the same size as Lots 1 and 2, which is 4,150. That change was redlined in the ordinance. The staff report outlined the discussions at the time of the preliminary plat and Phase I.

Planner Whetstone noted that a fencing plan was approved at the time of the preliminary plat. The Planning Commission indicated that white fencing similar to the existing fence could be installed around the lots. However, for Lot 7 the fence was identified as being a wood post fence to protect the visual appearance of the open space.

Planner Whetstone pointed to the barn sizes that were redlined in Finding #12 of the ordinance. The existing hay barn on Lot 6 may remain in addition to a new 1300 square foot barn that must be outside the building zone. Lots 5 and 6 were allowed six horses which is why the barns were allowed to be larger in the preliminary plat. The Planning Commission was being asked to allow an 1800 square foot barn on Lot 7.

Planner Whetstone stated that Condition #23 was redlined for the 4900 square foot maximum building footprint. She noted that the preliminary plat restricts the height of the house on Lot 7 to 28'. It is a building height of 23' with an allowance for a pitched roof of 5' for a total of 28'. A condition of approval was added to indicate that the building height on Lot 7 shall be restricted to 23' with an additional 5' feet for a pitched roof with a roof pitch of at least 4/12. Planner Whetstone remarked that typically in this zone 28' is allowed with 5' for a pitch roof for a total of 33'. Lot 7 was restricted to a maximum height of 28' because of the view corridor.

Planner Whetstone noted that the revised plat showed the no-build areas, which is a 50' buffer from the wetlands, as well as the no-build area on the east property line for Lot 6 and on the north property line for Lot 7, as discussed by the Planning Commission at the time of the annexation and preliminary plat.

The Staff recommended that the Planning Commission conduct a public hearing, consider input and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance as redlined. Planner Whetstone stated that the Staff had only met with the applicant the day before to review some of the requested changes. If the Planning Commission needed additional information, they could continue the item to the next meeting.

Steve Schueler with Alliance Engineer and Frank Richards, the property owner were present to answer questions.

Mr. Richards stated that an item he had discussed with Planner Whetstone was the possibility of an option on Lot 7 for a larger footprint of 5500 square feet in exchange for lowering the roof line by 5 feet. Planner Whetstone noted that the preliminary plat identified the building footprint on Lot 7 as 4900 square feet with the reduced height. Mr. Richards understood that it was 4900 square feet with the 28' height. Planner Whetstone replied that it was 4900 square feet with the already reduced height. She requested input from the Planning Commission regarding the requested option since Mr. Richards has only presented the idea the day before.

Mr. Richards explained that he had a prospective buyer for the property and the buyer would like to spread out the home in a ranch-style design as opposed to building higher. He believed lowering the height to gain a larger home was a reasonable exchange.

Mr. Schueler explained that another item mentioned by the potential buyer was the fact that they were having a hard time fitting the house and the barn on the property and still adhere to the Code requirement for the barn to be located 75' from the residence. Another item they would like the Planning Commission to consider is changing the no-build zone on Lot 7. Currently the no-build zone is 336 feet from the property line. Mr. Schueler believed 336 feet was an arbitrary number at the time it was determined and it was not based on any specific criteria. The potential buyers would like the no-build zone reduced by 36 feet, making it 300-feet from the northern property line. The reduction would allow room to set the house back from the cul-de-sac and still leave the 75' space between the barn and the house as required by Code.

Mr. Richards pointed out that the house, even at 5500 square feet, would occupy less than 5% of the total property area. Under the current requirements, the setback, and the 75 feet of space from the barn, there is only approximately 150' from north to south to locate the home. An additional 36' would help relieve the limited space.

Director Eddington clarified that the request was to reduce the height from the zone height of 28' down to a maximum height of 23'.

Planner Whetstone stated that the revised plat showed the 336 feet of no-build area. The applicant was requesting that it be reduced to 300 feet. Mr. Richards reiterated that the 336' no-build zone plus the wetlands and the wetlands buffer of 50', leaves an unreasonably small area to locate a home on the lot. Mr. Schueler stated that in addition to the no-build area and the wetlands, there is also an easement that was set up for Snyderville Basin. Everything combined results in a small developable lot area. Some flexibility would help a future buyer develop the site.

Commissioner Phillips asked for the purpose of the no-build zone. Director Eddington stated that it was implemented to protect some of the open space view sheds in the area and to keep the development somewhat clustered in a ranch setting near the existing infrastructure.

Commissioner Strachan stated that there was also a concern about fencing when Phase 1 was initially done. The Planning Commission did not want white picket fences running the lot lines. The no-build zone was an effort to make sure that nothing could occur in that area because it is an important view shed.

Commissioner Thimm referred to the comment that 336 feet was an arbitrary number. He asked if there was history on why or how that number was derived. In his opinion, 336 appeared to be a specific number. Director Eddington believed the calculation started with the estimated building size and setback from the cul-de-sac, then a 75' separation for barn to building, and a small barn on the back and a setback behind the small barn. Commissioner Strachan stated that the number was not arbitrary and resulted from an extensive discussion. He thought it was unfortunate that the minutes from that meeting were not included in the Staff report.

Mr. Richards stated that they were utilizing less than 4% of the lot for the house itself. He reiterated his request for some flexibility to locate the house more in line with the buyer's wishes.

Commissioner Thimm asked for more information on the idea of the 23' plus 5' for the roof height. He understood that the discussion only occurred late yesterday. Planner

Whetstone remarked that during the preliminary plat discussion, the Planning Commissioner placed a height restriction on Lot 7 because it was more visible than the other lots in the subdivision. The height restriction was 23' plus 5' for the pitch, for a maximum height of 28-feet. At that time the building footprint was 4900 square feet. It was not until yesterday that the flexibility options were requested because of the prospective buyer.

Jeff Petersen, representing the applicant, explained that currently the height is 28' plus 5'. Planner Whetstone clarified that for Lot 7 the maximum height was actually 23' plus 5' based on the preliminary plat. Mr. Petersen stated that the applicant was proposing a reduction in height down to 23' in exchange for additional square footage. Planner Whetstone noted that the five foot reduction was already specified in the preliminary plat for Lot 7, reducing the height to 23'. Lot 7 had the same footprint as Lots 5 and 6.

Chair Worel stated that there was a tremendous amount of discussion when the preliminary plat was approved. She agreed that it was unfortunate that the minutes were not included in the Staff report. Since she and Commission Strachan were the only Commissioners who were involved in that discussion, it would have benefitted the new Commissioners to have that background.

Mr. Richards stated that the neighbor behind Lot 7 was one reason why consideration was given to reducing the height. The neighbor has since sold his house and the new owner has not made any comments regarding the property. The new owner was aware that a new home would be built on the lot.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Strachan stated that because this was an important property on an entry corridor, it was worthwhile giving the new Commissioners time to get updated on the previous discussions. In addition, he believed the Commissioners needed time to consider the impacts of the redlines that were handed out this evening and the wetland delineation report related to the no-build zone. Commissioner Strachan noted that the lots have been approved, but he did not think the Planning Commission was prepared to make a decision on the applicant's request because they needed to understand it. Commissioner Strachan recommended a continuance and he suggested the possibility of a work session to address the issues. He understood the history and what Mr. Richards was talking about, but it was

unfair to expect the new Commissioners to have that same understanding without knowing the background.

Commissioner Strachan had a different view of the no-build zone and the history. He did not believe it was arrived at arbitrarily, but he was willing to look at it again.

Planner Whetstone requested feedback on the fencing plan, on Lot 7 in terms of the height, the building and the barn size, and whether they had comments on the hay barn and building an additional horse barn. Chair Worel requested the minutes from the previous meeting before providing feedback.

Commissioner Band wanted to see the minutes and to understand how the 336' no-build number came about, as well as the height issue. In theory the numbers seem fine, but she would like to visualize it on the site and understand the history.

Commissioner Phillips agreed that the new Commissioners needed to understand how some of the decisions were made before making further comments. Aside from being new Commissioners, it was important to read the minutes to see how the determining factors were implemented before entertaining the request to make changes.

Commissioner Joyce stated that when he read through the Staff report it was mostly about what had been approved. Clearly that was not the case since they were given redlined documents this evening with corrections and requested changes. When this comes back to the Planning Commission he would like the reason for the changes to be more clearly identified.

Commissioner Thimm concurred. He wanted to see the minutes and have another opportunity to visit the site and visualize the massing proposed.

Planner Whetstone asked if it would be helpful to have the applicant prepare an exhibit showing the difference in heights. Commissioner Phillips thought an exhibit would be helpful. Commissioner Strachan asked if the lots in Phase 2 had been staked. Mr. Richards replied that the perimeter of all the lots were staked out and he had put in steel posts to preserve the corners.

Mr. Richards stated that the no-build zone does not protect the wetlands because they are already protected by a 50' buffer around them. When the Commissioners visit the site he suggested that they look at the home to the west and notice how high up it sits. Regarding the fencing, Mr. Richards read from the Staff report, "The proposed fencing plan is consistent with the preliminary plat and annexation agreement. White fencing consistent with the existing perimeter fence will be installed to delineate the property line for each of

the lots as well as within Lots 5, 6 and 7 to create secure areas for horses if desired.” Mr. Richards believed the language in the staff report contradicts the earlier discussions regarding the wire fence. He was not opposed to wire fencing on Lot 7, and he was willing to do whatever the Planning Commission required. Mr. Richards stated that he sold the acres to the east to the City and he leases it from the City. He needs to have some type of fence because he uses the property to graze some of his horses. A fence would delineate the perimeter of this particular lot.

Commissioner Campbell stated that typically he is the one who tries to move things forward for the applicant. He also understands that this Planning Commission is not allowed to bind the hands of a future Commission, as previous Commissions were not allowed to bind their hands. However, he was hesitant to overturn what the previous Planning Commission had done without understanding their reasons for doing it. He was not opposed to a continuation as long as the process was not prolonged.

Commissioner Strachan suggested that the Commissioners also read the past Staff reports in addition to the minutes. Commissioner Strachan agreed that the process should not be delayed. Rather than trying to schedule a site visit that meets the schedules of all the Commissioners, he thought it was better for individual Commissioners to visit the site on their own time. If four or more of the Commissioners visited the site at one time, it would have to be publicly noticed. Mr. Richards offered to meet any of the Commissioners on site to show them around. Planner Whetstone would email the Commissioners with two or three dates that Mr. Richards would be available to meet on site.

Mr. Richards would be out of town for the next meeting on October 8th and requested a continuation to October 22nd.

MOTION: Commissioner Strachan moved to CONTINUE the Subdivision Plan public hearing on 510 Payday Drive to October 22nd, 2014. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission Meeting adjourned at 7:15 p.m.

Approved by Planning Commission: _____

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
OCTOBER 22, 2014

COMMISSIONERS IN ATTENDANCE:

Chair Pro Tem Adam Strachan, Melissa Band, Preston Campbell, John Phillips, Steve Joyce, Doug Thimm

EX OFFICIO:

Planning Director Thomas Eddington; Kirsten Whetstone, Planner; John Boehm, Planner; Polly Samuels-McLean, Assistant City Attorney

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REGULAR MEETING

The Planning Commission held a site visit to 510 Payday Drive prior to the meeting. All Commissioners were present except Commissioner Worel who was excused.

ROLL CALL

Chair Pro Tem Strachan called the meeting to order at 5:50 p.m. and noted that all Commissioners were present except Commissioner Worel, who was excused.

ADOPTION OF MINUTES

There were no minutes to approve. The minutes of October 8, 2014 would be on the November 12, 2014 agenda for approval.

PUBLIC COMMUNICATIONS

Council Member Liza Simpson informed the Planning Commission that due to scheduling conflicts she and Council Member Peek would be sharing the role of liaison to the Planning Commission. She assured the Commissioners that one of them would be present at each meeting.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Commissioner Joyce commented on the most recent delivery of the very large LMC documents. He asked if it was possible for the Staff to create the LMC in a smaller pdf that could be placed in their dropbox. Director Eddington stated that dropbox should take the

entire LMC in pdf. and he would make sure it was put in the dropbox. Commissioner Strachan noted that he still preferred to have the physical LMC binder and he would pick his up in the Planning Department.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

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3. 510 Payday Drive – Thayne’s Creek Ranch Estates Phase II Subdivision Plat (Application PL-14-02427)

The Planning Commission held a site visit on this item prior to the meeting.

Chair Pro Tem Strachan summarized the site visit to 510 Payday Drive. The applicant, Frank Richards, met them on site and pointed out the boundaries of the no-build zone and the boundaries of the wetland area. Mr. Richards had flagged some of the contours of the various building footprints and answered the Commissioners questions regarding the location of the existing footprints and the proposed changes to those footprints.

Planner Kirsten Whetstone reviewed the request for a subdivision plat for three lots of Phase II of the Thaynes Creek Ranch Estates subdivision, which was a recent annexation that occurred a year ago between Frank Richards and the Park City Municipal Corp. Planner Whetstone noted that the annexation incorporated the City open space west of Highway 224, as well as the Franklin Richards Ranch.

Planner Whetstone noted that Exhibit H in the packet were the minutes from previous Planning Commission meetings; however, after the packets were printed they noticed that the pages were mixed-up. She provided the Commissioners with corrected copies of Exhibit H.

Planner Whetstone reported that the Planning Commission reviewed this item on September 24th and requested to see the minutes of the previous meetings to better understand the restrictions that were placed on this subdivision. The property was zoned in the single-family zone, which has an allowed height of 28'+5' for a total of 33'. When the property was annexed, a preliminary plat for seven lots and one parcel for the riding arena was approved. The January 31st, 2013 City Council minutes in Exhibit H reflect the discussion regarding the preliminary plat and no build zones. Planner Whetstone stated that the lots being discussed this evening was Lot 5, which is the existing house and ranch, Lot 6 across the driveway, and Lot 7, the lot they looked at during the site visit.

Planner Whetstone recalled discussion on Lot 1, 2 and 6 of an 80-foot no-build zone from the east property as shown on the plat, Exhibit A. There was additional discussion as to whether there should be a no-build for the northern part of Lot 7 of 250 feet. Planner Whetstone noted that the previous minutes also reflect a 336' no build zone. She noted that measuring from the north property line down south, 336' is at the line shown on the preliminary plat that was approved with the annexation. Planner Whetstone stated that the plat also had height restrictions that called out a maximum height of 30' for Lots 5 and 6, which would be 25'+ 5' for a pitched roof. However, Lot 7 had a maximum height of 28', or 23'+5'.

Planner Whetstone reported that at the last meeting the applicant made a request to move the line north. The Planning Staff had conducted an analysis of the plat that was submitted based on the preliminary plat and the annexation agreement. The Staff reiterated their recommendation for consistency with the preliminary plat. The maximum footprints should be 4,900 square feet for lots 5, 6 and 7. The maximum height for lots 5 and 6 would be 30' and Lot 7 would have a maximum height of 28'.

Planner Whetstone noted that the Staff had prepared a draft ordinance included on page 61 of the Staff report that reiterates some of the conditions of approval with the annexation. The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation per the ordinance in the Staff report.

Frank Richards, the applicant, did not believe that 30 feet was excessive for Lot 7 and he thought it should be consistent with the other lots. He stated that the adjacent property to the west, Aspen Springs, was 33' in height. The adjoining Lots 1 and 2 have a maximum height of 28'+5'. He did not think it was unreasonable for Lot 7 to have a maximum consistent with the next three lots they were bringing into the subdivision.

Mr. Richards stated that the no-build zone on Lot 7 was originally set at 250'. At some point it was increased to 336' and he was unsure how that occurred. He was requesting a no-build zone of 300' to give some flexibility to the location of the proposed on Lot 7. Mr. Richards remarked that the Lot is already handicapped because there is a 20' right-of-way on the west boundary, the no-build zone on the north boundary, and the wetlands and a 50-foot buffer on the east boundary. Mr. Richards noted that the remaining parcel to locate the home was approximately one-quarter of an acre of the 3.25 acre lot. By expanding to the north by 35' allows room for a barn and still keep the 75' separation required between the barn and the house; with some flexibility on where to locate the home.

Chair Pro Tem Strachan asked why there needed to be a 75' separation between the barn and the house. Planner Whetstone stated that there is a requirement in the Code on properties that allow horses that the barns must be 75' from any adjacent residence. Mr.

Richards stated that of the 35' reduction they were requesting, 70% of that was no-build anyway because of the buffer zone to the wetlands.

Commissioner Joyce understood that the intent for requesting the reduction of the no-build area was to move the barn 35' to the north. Mr. Richards replied that this was correct. Mr. Richards clarified that the barn is 48' and they were asking for 35'. Therefore, the barn would project into that area. Planner Whetstone pulled up an exhibit that Mr. Richards used to identify the area he was talking about and to explain his comments.

Chair Pro Tem Strachan asked Mr. Richards to explain why the 150' x 100' foot building area was not sufficient. Mr. Richards replied that there needed to be some flexibility to locate the home. Planner Whetstone referred to the drawing Mr. Richards had submitted and noted that what he had put as a 75' separation from the house to the barn actually measured out as 35'. She pointed out that the building area needed to be smaller because otherwise it projects into the no-build zone.

Commissioner Thimm clarified that they were looking at a two-scale drawing. Planner Whetstone replied that this was correct. She reiterated that Mr. Richard's barn setback was actually scaled at 35'. When she scaled it at 75' she ended up with the barn being in the area where he was asking for additional space. Planner Whetstone reviewed the calculations. Chair Pro Tem Strachan understood that the 150' should actually be 125'; however, the building area was still approximately one-quarter of an acre. Planner Whetstone calculated that the building area would be approximately 12,500 square feet and the footprint would be limited to 4900 square feet including the garage. The barn would be separate.

Chair Pro Tem Strachan opened the public hearing.

Roger Armstrong, a neighbor, stated that the requested extension would put the barn right behind his property. He requested that Mr. Richards find a way to keep the barn further up and cluster the development. Mr. Armstrong noted that the houses coming up that line would be impacted to a lesser extent because of the direction they face; but in terms of view sheds he would be looking over the top of the barn rather than his current view. He appreciated anything Mr. Richards could do to further mitigate the impacts. Mr. Armstrong remarked that his house faces due east and if the barn is moved north it would come down to probably the first third of his property.

Mr. Richards pointed to Mr. Armstrong's property and the 30' tall pine trees along the edge. They were unable to put the sewer line in that location because of the trees. If they move the barn 35' it would be hidden by the pine trees because the barn would only be 18' high.

Mr. Armstrong reiterated his request to cluster the development a little tighter. He noted that he purchased the house from the neighbor who previously agreed to the plan, but that person was gone and Mr. Armstrong had concerns with the impacts.

Chair Pro Tem Strachan closed the public hearing.

Regarding home size, Mr. Richards had reviewed the analysis Planner Whetstone had done on Aspen Springs. He noted that Aspen Springs permits 8,000 square foot homes on a half-acre lot. Any lot over three-quarters is allowed up to 12,000 feet. He was asking to have the same privilege of an 8,000 square foot total house on his three-quarter acre, which would give a footprint of 5,000 square feet rather than 4900 square feet.

Commissioner Campbell understood that Mr. Richards was asking the Planning Commission to change the agreement he made with the previous Planning Commission. He was comfortable with that because one Planning Commission does not have the right to bind the hands of a future Planning Commission. However, before they decide whether to overturn that agreement, it was important to make sure there was a legitimate reason to do so. Commissioner Campbell asked Mr. Richards why he did not make this request the first time when it came before the previous Planning Commission. Mr. Richards stated that at the time he did not understand the 50' buffer of the wetlands.

Commissioner Campbell believed there were many impacts on the property, particularly in terms of how much of the lot is carved up in ways that could not be used. Mr. Richards remarked that when they first started they were not aware of the 20-foot easement that the Sewer District required.

Jeff Petersen, the builder, explained that the 35' setback plus the building pad, plus the 75' barn separation really restricted the potential for building the house. They did not fully understand those impacts when they met with the previous Planning Commission. Commissioner Campbell believed that was a legitimate reason to make the request to re-negotiate.

Commissioner Band understood why Mr. Richards was requesting the reduction and she agreed that the surrounding houses have larger footprints. In her opinion, the difference was the wetlands on Lot 7. She believed that whoever purchases the property would pay a lot of money for three-quarters of an acre, but they should also understand that restrictions come with wetlands. Commissioner Band remarked that it is a beautiful property and she hoped a buyer would be excited to have it. However, she could not see the justification for moving the lines. She believed the barn location in the original plan is less impactful to the neighbors. Commissioner Band recognized that 12,500 square feet of a building pad with

a 4900 square foot house is going to be tight, but she thought there was enough wiggle room to make it possible.

Commissioner Phillips concurred with Commission Band. When he was at the site he walked away from the group and went from where the lines were to where they were proposed to be. He noticed the negative impacts it would have on Mr. Armstrong and he believed it would put the barn in his view. Commissioner Phillips understood that the purpose of the no-build area was to prevent the development from going further into the field to keep the space open. In his opinion, that was another reason not to reduce the no-build area. He could not see a good reason to change what has already been platted. Commissioner Phillips stated that he is in construction business and he personally lives on a 25' x 75' lot so he understands the constraints. He also knows that architects are really good at working with the space and he believes there is enough room to fit a nice home.

Commissioner Joyce echoed Commissioner Phillips. He had not seen a good cause aside from the fact that it would make the lot worth more to the potential buyer. In his opinion, that was not a compelling reason to change what was done under the previous Planning Commission.

Commissioner Thimm agreed with his fellow Commissioners. He had visited the site three times and he tried to line up the view shed. In looking at the drawing that defined the building pad area, and thinking about the 4900 square foot footprint in comparison to 12,500 square feet, he believed there would be sufficient space. Commissioner Thimm concurred that there needed to be a very good reason to change what was put in place, and he had not found a good reason based on what was presented. Whether it was 150' or 125' he was unsure how it would fit on the lot; but if 125' leaves over 12,500 square foot of buildable area, it would be ample enough space to locate a 4900 square foot footprint.

Commissioner Campbell noted that during the site visit the question was asked about who the Planning Commission represented as their constituency. He noted that one of the Commissioners suggested that their constituency was the LMC. Assistant City Attorney McLean stated that whoever said it was correct. They are not elected officials and, therefore, they do not have constituents. Commissioner Campbell wanted to know what part of the LMC the other Commissioners were referencing when they said it was enough space to locate the house. He felt like they were making it up as they go. Commissioner Campbell stated that the Planning Commission always looks for consistency and that properties and property owners should be treated the same. He believed that Mr. Richards' argument for wanting to be treated the same as the adjacent property had more validity than their personal opinions of how large the house should be.

Commissioner Band stated that her calling card has always been to do things consistently. However, this was a different subdivision from the one Mr. Richards used as a comparison. Commissioner Campbell clarified that if there was not a specific place in the Code that was being violated, then the cause should go to the landowner.

Commissioner Joyce stated that his issue was not whether there was enough space. An agreement was put in place as part of the annexation and a lot of effort went into the discussions and the end result. They have seen the minutes and all the drawings and maps, and that was the agreement. Commissioner Joyce remarked that the wetlands did not suddenly appear and the drawings from a long time ago show the house right where it was supposed to be. Commissioner Joyce remarked that there was an annexation agreement that went into a lot of detail to force things into certain places to accomplish a certain appearance. A lot of thought went into those details and he could find no compelling reason to undo the Annexation Agreement.

Commissioner Band stated that this is an entry corridor and the LMC talks about protecting the entry corridor and as much open space as possible. That would include clustering the development in accordance with the original Annexation Agreement.

Commissioner Phillips believed that protecting the open space was the major point. He only addressed the issue of sufficient space for the house because that was Mr. Richards' reason for wanting to move it.

Planner Whetstone stated that she was the planner on the Annexation, and the entry corridor, the City open space, and clustering buildings were major considerations. At the same time they wanted to provide large lots to keep an agrarian look and feel. Planner Whetstone noted that the height restrictions placed on the lots were done for the purpose of visibility. She pointed out that the houses in Aspen Springs are all in the single family zone and have a maximum height of 33'. However, the lots above the white barn have a height restriction of 30' because they can be seen from the entry corridor.

Chair Pro Tem Strachan stated that the Planning Commission would be forwarding a recommendation to the City Council. He pointed out that the City Council had weighed in the first time and as reflected in the minutes, they weighed in thoroughly and with a good eye, and they reached the correct conclusion. Chair Pro Tem Strachan clarified that he was not in favor of changing the original agreement. He believed that building a 4900 square foot house on a 12,500 square foot footprint was doable and it allowed some flexibility.

Chair Pro Tem Strachan noted that there was not a finding of fact or conclusions of law about how the final building footprint should be memorialized; and he suggested that

Exhibit C on page 91 of the Staff report should be incorporated in the motion. Exhibit C is the preliminary plat and whoever makes the motion could make it the final plat.

Mr. Richards stated that the Commissioners were suggesting that he abide by the Annexation agreement, but the Annexation agreement identifies a 250' no-build zone. He pointed out that he was willing to give 50 feet as a compromise.

Commissioner Joyce asked where the 336' no-build zone came from. Planner Whetstone pointed to a line that was drawn in during the discussion for the preliminary plat and the annexation before it went to City Council. The Planning Commission originally suggested that the 80' on the east side be ROS zoned. She could not find in the minutes where a decision was made on that line, but they did talk about having to have a driveway, a house, a separation and then a barn. The line was drawn with rulers and the location was discussed. Planner Whetstone showed the preliminary plat with the line when it went to the City Council, and the Council left the line.

Planner Whetstone stated that it was possible that the 250' reference could have been from the cul-de-sac north. She did not think it was clear in the minutes.

Mr. Peters had a recorded copy of the Annexation agreement and on Exhibit C, and the line Planner Whetstone mentioned did not exist on the exhibit. Planner Whetstone stated that the Exhibit Mr. Peters had did not have the recorder's stamp. Mr. Richards stated that he requested that the County send him a packet including the plats and all the documents that were recorded, and those were the documents he had this evening.

Chair Pro Tem Strachan stated that Exhibit C on page 91 of the Staff report was a Concept Subdivision and Phasing Plan done by Alliance Engineering on 1/8/13. Planner Whetstone remarked that it was actually the one that was approved by the City Council and recorded. Chair Pro Tem Strachan believed that was even more reason to make it the final plat through a motion and override the preliminary plan.

Planner Whetstone remarked that the Annexation Agreement did not mention an actual number for the no-build zone. Mr. Richards stated that the plat that was submitted did not mention a number either.

Mr. Richards stated that when the annexation was made there was a concept but no definition of exactly where the house would sit. They were trying to get the first phase approved and the Planning Commission wanted an idea of what they were proposing for Phase 2. For that reason they submitted a concept plan. It was only a concept and it was never intended to be final. Mr. Richards remarked that the home shown on the plan was only something that could potentially be built. Mr. Richards did not believe that when

Phase 1 was approved that Phase 2 was approved at the same time. The concept was to place a home on the lot reasonably near the cul-de-sac and that the barn would be 75' from a home.

Commissioner Joyce clarified that he was mostly concerned about the demarcation line of the no-build zone. He understood it was not the actual house that would be built and he was not concerned with the placement because it would be restricted by the wetlands.

Mr. Richards stated that somebody will have to look at the barn. He realized that Mr. Armstrong would be looking at third of the barn, but the rest would be hidden by the trees. If they move it for Mr. Armstrong, then another neighbor would have to look at it.

Commissioner Joyce clarified that he personally was not saying that Mr. Armstrong should not have to look at the barn. That was not his issue. His issue was finding a compelling reason to change an agreement. Accommodating a buyer so he can build the house he wants is not a compelling reason because there are ways to build within the constraints of the lot. Commissioner Joyce stated that protecting the entry corridors was more important than protecting the view of one individual.

Mr. Richards pointed out that the distance between the barn and the house would not change because they could not bring it in any closer. Wherever the house and the barn sits would be as close as they could be regardless of whether they are closer to the cul-de-sac or 35' beyond the cul-de-sac. Mr. Richards stated that Lot 4 in Aspen Springs is 100 feet closer to the highway than the home on Lot 7 would be.

Commissioner Campbell was unclear as to where the no-build line came from. He was under the impression that it had to do with the Annexation Agreement but that did not appear to be the case. Commissioner Campbell wanted to know when it was inserted into the plat, who had the idea and who approved it.

Planner Whetstone referred to page 139 of the Staff report and noted that the January 9, 2013 minutes reflect that the Planning Commission forwarded a recommendation to the City Council on the annexation. Commissioner Wintzer made a motion to forward a positive recommendation to the City Council as approved in the draft ordinance and as amended by Planner Whetstone, and the amendment to Condition 3 to include the hard surfaces, and a request to add a zone line to zone the eastern portion of Lots 1, 2 and 6 and the wetlands portion of Lot 7 to ROS. Planner Whetstone noted that the minutes show some discussion among the Commissioners and the motion was voted on and passed. Later in the minutes it states that, "Assistant City Attorney McLean recommended that the Planning Commission consider where they wanted the absolute no-build zone as opposed to defining building pads. That would add some flexibility for shifting the building pads as

long as it stayed out of the no-build area. Commissioner Hontz remarked that there was already agreement on areas where building could not occur because of wetlands, and this was another added layer of protection. Commissioner Savage was comfortable with an ROS designation on the wetland area because it was already an unbuildable area." Planner Whetstone clarified that they were talking about the wetland area and the 50' foot buffer.

Planner Whetstone referred to page 140 of the Staff report, also the January 9, 2013 minutes, and read, "Planner Whetstone reviewed the proposed changes in addition to the ones she had revised earlier and condition #3 was read to define driveways and hard surface areas at the time of final plat, and the recommendation that the easternmost 80 feet of Lots 1, 2 and 6 and the northernmost 250' of Lot 7 be zoned Recreation Open Space, with the remaining portions zoned SF." Planner Whetstone remarked that the City Council did not think the lots should be separate zones and there should just be a no-build zone.

Planner Whetstone pointed out that the language talked about the wetlands area and then suddenly it was 250'. She and Director Eddington recalled that people were using rulers to figure out where the line should be based on a driveway, a house, a setback and a barn and the wetland area. The line was drawn on the preliminary plat by Alliance Engineering. She was unsure whether someone had measured it and believed it was 250' or how that came about. She clarified that the minutes say, "the northernmost 250 feet". Planner Whetstone stated that if that was the case then some of the wetlands would not be in the no-build area.

Commissioner Thimm remarked that the wetlands have their own protection for where building would not be allowed to occur. He thought it went back to the question of where the 336' no-build came from if it was identified as 250' in the minutes.

Planner Whetstone referred to the minutes of the January 31, 2013 City Council meeting on page 146 of the Staff report. She read, "She explained that the Planning Commission recommended that the north 250' of Lot 7 be zoned ROS and the easternmost portion, as opposed to the Staff recommendation which was to place a no-build designation." Planner Whetstone read from the same minutes at the end of page 146 and a comment by then Council Member Alex Butwinski, "The Annexation Agreement is consistent about the Park City Municipal Corporation parcel being ROS and the zoning of single family, except for the back 250' of Lot 7, which will also be zoned ROS."

Planner Whetstone noted that 250' keeps showing up in the minutes from both the Planning Commission and City Council meetings, but Exhibit C in the Staff report was the preliminary plat that was approved.

Chair Pro Tem Strachan pointed out that Exhibit C was dated 1/8/13 and the City Council approved it on 1/31/13. The Exhibit pre-dates the City Council's decision. Chair Pro Tem Strachan recalled that the City Council looked at the plat and the line on the plat and approved it. He was certain that the line did not somehow show up after the City Council approval.

Commissioner Campbell remarked that in the minutes Commissioner Savage had stated that the line was arbitrary. Chair Pro Tem Strachan replied that it Commissioner Savage's opinion that the line was arbitrary, and he was the lone dissenter.

Commissioner Joyce stated that if everything discussed in both the City Council and Planning Commission meetings was 250-feet, it appeared that someone may have drawn the line in the wrong place on the preliminary plat for Lot 7. Commissioner Campbell thought that was exactly what happened.

Commissioner Phillips thought the discussion where everyone sat down with rulers was where it all changed. He asked if that discussion was reflected in any of the minutes and whether it occurred at the City Council meeting or with the Planning Commission. Chair Pro Tem Strachan recalled that it was in the City Council meeting. He noted that Alliance Engineering was retained by Mr. Richards and the plat was submitted to the City Council in their packet of materials for approval.

Commissioner Campbell pointed out that all the documents say 250', except for Exhibit C, which is what the applicant submitted.

Mr. Richards wanted to know why the plat that was submitted for recording did not show the no-build zone. Planner Whetstone clarified that the annexation plat would not have shown it. It was only an exhibit that indicated that it was a preliminary plat. She explained that an annexation has to come with a master plan or some kind of preliminary plat, and gets finalized when the Planning Commission looks at the final plat, which they were looking at this evening. The first and final plat included the 80 feet and that was all clear. Planner Whetstone stated that the Planning Commission had the ability to look at this as a final plat. The Annexation agreement talks about no-build and protecting wetlands and protecting the views and the entry corridor. It does not have to comply completely but it should be consistent with the preliminary plat to the greatest extent possible.

Commissioner Joyce felt like someone had drawn a made-up line and it became the decisive line.

Director Eddington recalled that when this was first being discussed early in the preliminary stages there was concern with regard to whether a Lot 7 should even exist because it would be located between two wetlands. Six lots were proposed and the 7th lot was proposed between the two wetlands. There was concern with that lot being located between the two wetland areas. It already had so many constraints that the question was whether it should even exist. It went forward and was noted on the plat as a possible lot. The discussions went from annexation discussions to the final plat, which is where they were tonight. Director Eddington thought from the earlier discussions that there was a 250' ROS discussion on the north part of this property. He also remembered a discussion about doing something similar for Lots 1, 2 and 6 and adding the 75' no-build zone. He thought it was the 250' plus 75', but that would only total 325 not 336. Director Eddington acknowledged that he could be wrong but that was his recollection of how it all evolved. He did remember that there was significant concern about reducing that lot because of its location between the two wetlands.

Commissioner Campbell remarked that this was a conflict that the City Council would have to resolve regardless of what the Planning Commission decided. He asked if the Planning Commission could forward a recommendation to the City Council to look carefully at where the 250' zone really is, rather than try to force the applicant to live by what seemed to be an imperfect document.

Commissioner Melissa noted that the Planning Commission had continued this item at the last meeting so they could have all the meeting minutes to understand where the 336' number came from. She thought they needed to be fair to Mr. Richards, and after reading the minutes and seeing 250' consistently they were still looking to understand what happened.

Chair Pro Tem Strachan suggested that they send it to the City Council with a positive recommendation that Exhibit C should be the final plat, and let the Council determine whether it was in the right place or the wrong place. Commissioner Campbell thought their recommendation should have language that makes the City Council aware of the discrepancy. Chair Pro Tem Strachan noted that the City Council would have the minutes from this meeting. Council Member Simpson was in attendance and she would also relay their discussion.

Commissioner Joyce stated that aside from the question of how the line was drawn, he understood that they were talking about a line in the middle of Lot 7. When the first half of the subdivision was done on Lots 1 through 4, the applicant had not asked for approval for Lot 7. Since the approval of Lot 7 was part of the final plat, he wanted to know how much the Planning Commission was constrained by the previous agreements. Chair Pro Tem explained that when the applicant came in for lots 1, 2 and 3, a large bulk of the discussion

was about Lot 7. Commissioner Joyce asked if the line that was drawn for Lot 7 in the preliminary plat was a definitive plat that was expected with the approval, or whether it was a concept of what Lot 7 might look like with the details to be determined at the time of approval for Lot 7. Chair Pro Tem Strachan replied that it was only a concept in the annexation discussion. However, he believed it was one of the more thorough annexation discussions because they actually talked about where the building footprint should be located. Because the site is so sensitive and delicate and contains wetlands and open space on the entry corridor, the Planning Commission and the City Council looked at this annexation petition with more scrutiny in contrast to other annexations.

Commissioner Campbell remarked that based on the minutes from both the Planning Commission and City Council meetings, everyone repeatedly assumed that the line would be at 250'. It is referenced often and no one corrects it.

Chair Pro Tem Strachan summarized that none of the Commissioners were clear as to whether Exhibit C on page 91 of the Staff report reflects the accurate no-build line. He understood that there was consensus that the current building footprint and barn footprint did not need to be changed. Chair Pro Tem Strachan stated that the Planning Commission could make a motion to forward a positive recommendation to the City Council and include those two items; and let the City Council decide whether or not to accept it.

Commissioner Campbell wanted the recommendation to include the fact that the Planning Commission was unclear about where the line should exist. He thought they should be clear that the Planning Commission was not asking the City Council to codify the existence of the line where it was currently drawn.

Mr. Richards was disappointed that Steve Schueler was unable to attend this evening because he was told by Staff to add the line and he might be able to provide some clarity. Commissioner Campbell informed Mr. Richards that Mr. Schueler could still attend the City Council meeting since they would be making the final decision.

MOTION: Chair Pro Tem Strachan moved to forward a POSITIVE recommendation to the City Council based on the Findings of Fact, Conclusions of Law and Conditions of Approval as contained in the draft ordinance, with specific reference to Exhibit C on page 91 of the Staff report as indicating the no-build zone for Lot 7. Commissioner Phillips seconded the motion.

Commissioner Campbell did not believe the motion expressed their lack of clarity on the 250' issue. Council Member Simpson stated that she understood the confusion; however, she was unsure where they would find clarity. She suggested that they amend the motion to ask the City Council to make a final determination on where the line should be; or the

request could come from Staff. Ms. Simpson assured the Planning Commission that she would remember this discussion when the City Council has their discussion. Council Member Simpson questioned whether or not the motion needed to be that specific.

Chair Pro Tem Strachan amended his motion to say that the Planning Commission would leave it the City Council to determine where the no-build line should be on Exhibit C on page 91. Commissioner Phillips seconded the amendment to the motion.

VOTE: The motion passed unanimously.

Assistant City Attorney McLean recommended that the Staff include the draft minutes from this meeting in the Staff report for the City Council meeting. Planner Whetstone would notify the Planning Commission when the item is scheduled so at least one Commissioner could attend. Ms. McLean noted from the agenda that this item was scheduled to go before the City Council on November 13th.

Findings of Fact – 510 Payday Drive

1. The property is located north of Payday Drive (north of the Thayne's Creek Ranch Subdivision), south of Aspen Springs Subdivision, east of Iron Canyon Subdivision, and west of Highway 224.
2. The property was annexed into Park City with the Richards/PCMC Annexation approved by the City Council on January 31, 2013 and recorded at Summit County on April 12, 2013.
3. The property is zoned Single Family (SF).
4. Access to the property is from Payday Drive at the existing driveway to the Richard's property. The driveway has been improved to a private street known as Country Lane.
5. On January 31, 2013, concurrent with the Annexation, the City Council reviewed and approved a preliminary subdivision plat for a total of seven single family lots and one common lot for the riding arena. The proposed phase two plat is consistent with the preliminary subdivision plat and consists of four (4) lots. Three of the lots are single family development lots and one lot is a common, non-residential lot for the existing riding arena.
6. The property is not within the Entry Corridor Protection Overlay zone (ECPO) and no portion of the plat is within the Park City Soils Ordinance boundary.

7. The subdivision creates non-conforming rear setbacks for an existing outbuilding and a guest house on Lot 5.
8. The subdivision complies with the Land Management Code regarding final subdivision plats, including SF zoning requirements, general subdivision requirements, and lot and street design standards and requirements.
9. General subdivision requirements related to 1) drainage and storm water; 2) water facilities; 3) sidewalks and trails; 4) utilities such as gas, electric, power, telephone, cable, etc.; and 5) preservation of natural amenities and features, have been addressed through the Annexation and subdivision plat review process as required by the Land Management Code.
10. Sanitary sewer facilities are required to be installed in a manner prescribed by the Snyderville Basin Water Reclamation District (SBWRD).
11. The property is subject to the Employee/Affordable Housing requirements of the Affordable Housing Guidelines and Standards Resolution 20-07. One Affordable Unit Equivalent equals 900 square feet. The affordable housing obligation determined at the time of the annexation is 15% of 6 new units or 0.9 AUE (810 sf). The affordable housing obligation has been satisfied with payment of an in-lieu fee as approved by the Park City Housing Authority.
12. Land uses proposed in the second phase subdivision include three single family lots and one lot to be dedicated to the HOA for common recreation facilities, such as the existing riding arena. Only one single family home and one barn are permitted to be constructed on each of Lots 6 and 7. Lot 6 contains an existing hay barn that may remain. Lot 5 contains an existing house, a guest house, a storage shed, and two barns that may remain. Lots 5 and 7 are allowed up to six (6) horses and therefore the barns are larger than on Lots 1, 2, and 6.
13. Per the Land Management Code, a maximum of 2 horses per acre of lot area are permitted on lots containing one acre or more, subject to an administrative conditional use permit and an animal management plan.
14. The PCMC Parcel that is adjoining Lots 6 and 7 allows only those uses permitted by the Deed of Conservation Easement.
15. The subdivision plat is consistent with the purpose statements of the SF

zone. The SF zone does not allow nightly rental uses and restricting this use is consistent with the character of the surrounding neighborhood.

16.Areas of wetlands and irrigation ditches, and any required setbacks from these areas for the private road were identified during the annexation.

17.The proposed subdivision is outside the City's Soils Ordinance District.

18.Wetlands are protected by language in the LMC and Annexation Agreement requiring building pad locations, setbacks, and requirements for protection of sensitive lands during construction. Delineated wetland buffer areas are shown on the plat.

19.There is good cause for this subdivision plat in that it creates legal lots of record from metes and bounds described parcels; memorializes and expands utility easements and provides for new utility easements for orderly provision of utilities; provides access easements for adjacent property; provides no build areas for protection of the City's Open Space and wetland buffer areas, and is consistent with the approved the Richards/PCMC Annexation Agreement and preliminary subdivision plat.

20.The findings in the Analysis section are incorporated herein.

Conclusions of Law – 510 Paydrive Drive

1. The subdivision complies with LMC 15-7.3 as conditioned.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
3. The subdivision is consistent with the Richards/PCMC Annexation Agreement approved by the City Council on January 31, 2013.
4. The subdivision is consistent with the Richards/PCMC preliminary plat approved by the City Council on January 31, 2013.
5. Neither the public nor any person will be materially injured as a result of approval of the proposed subdivision plat.
6. Approval of the proposed subdivision plat, subject to the conditions stated

herein, will not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 510 Payday Drive

1. City Attorney and City Engineer review and approval of the final form and content of the subdivision plat for compliance with State law, the Land Management Code, and the conditions of approval, is a condition precedent to recordation of the plat.
2. The applicant will record the subdivision plat at Summit County on or prior to the date that is one year from the final City Council approval. If recordation has not occurred within this extended timeframe, the plat amendment approval will be void, unless a complete application requesting a further extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Conditions of approval of the Richards/PCMC Annexation, as stated in the Annexation Agreement, continue to apply.
4. Final approval of the sewer facilities plan by the Snyderville Basin Water Reclamation District is required prior to final plat recordation.
5. A landscape and irrigation plan shall be submitted for City review and approval for each lot, prior to building permit issuance. All applicable requirements of the LMC regarding top soil preservation, final grading, and landscaping shall be completed prior to issuance of a certificate of occupancy.
6. An industry standard Third Party inspector shall be mutually agreed upon by the Chief Building Official and the applicant prior to issuance of a building permit to provide third party inspection for compliance with LEED for Homes Silver rating, per the Annexation Agreement.
7. A construction mitigation plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, LMC, and conditions of the Annexation Agreement prior to building permit issuance.
8. A financial guarantee, in a form and amount acceptable to the City and in conformance with the conditions of approvals has been provided to the City for public improvements. A portion of the guarantee, to be determined by the

City Engineer, shall be held by the City through the warranty period and until such improvements are accepted by the City.

9. All standard project conditions shall apply.

10. Recordation of a final subdivision plat is a requirement prior to issuance of building permits.

11. The final subdivision plat shall include plat notes stating that the maximum density of the second phase subdivision is three (3) single family dwelling units and that no lot shall be further subdivided to increase the overall density of the subdivision. Lot 8 (to be renamed Parcel 8) is not a residential building lot and shall be dedicated to the Thaynes Creek Ranch Estates HOA as a common recreation parcel that may contain the existing riding arena, a storage area, and other associated uses identified in the CCRs. Barns shall not be used for human occupation.

12. All exterior lighting shall be reviewed with each building permit application for compliance with best lighting practices as recommended by the Dark Skies organization.

13. Fencing shall be consistent through-out the subdivision. A fencing plan shall be submitted with each building permit application to allow Staff to review all fencing for consistency through-out the subdivision and to review impacts of fencing on wildlife movement through the site. The fencing plan shall include location of fences and materials, dimensions, and installation methods and shall be consistent with the fencing plan approved with the preliminary plat.

14. Construction of a five foot wide public side walk along Payday Drive connecting the existing sidewalk on the north side of the street with a pedestrian crossing at Iron Mountain Drive is required to provide connectivity to Rotary Park. The sidewalk and all required public improvements, including landscaping of the public right-of-way along Payday Drive, shall be completed prior to issuance of a certificate of occupancy for any new house located on either the Phase One or Phase Two plats.

15. A grading plan and landscape plan shall be submitted with each building permit application and this requirement shall be noted on the final subdivision plat. Excavated materials shall remain on site to the greatest extent possible and shall be addressed with the grading plan.

16.A note shall be included on the final subdivision plat requiring each new house in the development to meet LEED for Homes Silver Rating certification (at a minimum) with required water conservation requirements as further described in the Annexation Agreement.

17.A note shall be added to the final subdivision plat stating that the Planning Director may grant an administrative Conditional Use permit for the raising and grazing of horses on these lots, including a barn located within an identified building pad on the final subdivision plat, provided the application complies with the LMC requirements for raising and grazing of horses and providing an Animal Management Plan is submitted and approved.

18.A note shall be added to the final subdivision plat indicated that barns may not be used for human occupation.

19.A note shall be included on the final plat indicating that barns shall be designed to be architecturally compatible with the house on the same lot, including architectural design, materials, colors, and character.

20.All conditions and restrictions of the Annexation Agreement shall continue to apply to the Final Subdivision plat and shall be noted on the plat prior to recordation.

21.Ownership of water rights shall not affect the application of the Impact Fee Ordinance to the Property at the time of development of the lots as further described in the Annexation Agreement.

22.Modified 13-D residential fire sprinklers are required for all new construction as required by the Chief Building Official.

23.The plat shall note that Lots 5, 6 and 7 are restricted to a maximum house building footprint of 4,900 sf, including the garage. New barn footprint is restricted to 1,300 sf for Lot 6 and 1,800 sf for Lot 7. Lot 5 has an existing single family house (3,906 sf footprint), an existing guest house and garage (1,398 sf footprint), a shed with a studio apartment (2,349 sf footprint), and two barns (2,203 sf and 1,690 sf) that may remain. Lot 6 has an existing hay barn with a 1,585 sf footprint that may remain and be enclosed with no additional building footprint allowed. All new construction shall meet LMC lot and site requirements in effect at the time of the building permit and shall comply with these plat notes.

24. Maximum building height for barns is 18' (to peak of roof).

25. Maximum building height for houses on Lots 5 and 6 is 30' (25' plus 5' for pitched roof). Maximum building height for Lot 7 is 28' (23' plus 5' for pitched roof).

26. Maximum irrigated area for finished landscape (excluding pasture areas irrigated with private irrigation shares) is 12,000 sf for Lots 6 and 7. All landscaping shall comply with LMC Section 15-5-5 (M). Trees, such as cottonwoods, willows, aspens, and fruit trees may be planted in the pasture areas provided they are irrigated only with private irrigation shares.

27. Maximum LOD area (including house and barn footprints, paved driveways, patios and other hardscape, and irrigated landscaping) for Lots 5, 6 and 7 is restricted to a maximum of 45% of the Lot Area. Area necessary for utility installation is excluded from the maximum LOD area calculation and if utility installation is within the pasture areas it shall be re-vegetated with like pasture vegetation. Designated "no-building zones" and wetland buffer areas shall not be impacted or disturbed by construction activities, with the exception of necessary utilities, irrigation facilities, and fence installation and repairs. Use of these areas by horses is subject to an Administrative Conditional Use permit and Animal Management Plan.

28. All new construction on Lot 5 shall comply with the Land Management Code in effect at the time of building permit application for the new construction.

29. Lot 8 shall be renamed on the final plat as Parcel 8 and clearly noted as a non-residential parcel.

EXHIBIT J

November 17, 2014

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

Esteemed City Council,

I'm Frank Richards, the owner-developer of Thaynes Creek Ranch Estates Subdivision on Payday Drive. The purpose of this letter is to explain any confusion there might be regarding the no-build area on Lot 7, Thaynes Creek Ranch Estates.

It appears that by some error there was a line drawn 336 feet south of the northern boundary of Lot 7 indicating a no-build zone. I have discussed this matter with members of the Planning Staff and they say they are not responsible for the line.

I have also talked with the engineer who prepared the plat and he is not sure where the 336-foot line comes from. Neither the Ordinance approving the annexation of the sub division nor the Annexation Agreement mentions any no-build areas. At the Planning Commission meeting on January 9, 2013, the Planning Commission recommended that the eastern most 80 feet of Lots 1,2 and 6 and the northern most 250 feet of Lot 7 be zoned (ROS) with the remaining portions of these lots being zoned Single Family (SF).

At the City Council meeting on January 31, 2013, Kirsten Whetstone, explained that the Planning Commission recommended that the north 250 feet of Lot 7, be zoned (ROS) and that the Annexation Agreement is consistent about the 19.75 acre PCMC parcel being zoned (ROS), and the Richards parcel being zoned Single Family except for the back 250 feet of Lot 7, which will be zoned (ROS).

I have carefully reviewed the minutes of both the Planning Commission and City Council meetings from the time that (ROS) or no-build was first proposed on Lots 1, 2, 6 and 7 until the City Council approved the annexation and zoning map of Thaynes Creek Ranch Estates, and there is no mention of a 336-foot no-build zone on Lot 7.

I therefore request that the final plat of phase 2 show the no-build zone line on Lot 7, to be 250 feet south of the northern boundary of Lot 7.

On another matter, all 7 of the lots in phase 1 and 2 of Thaynes Creek Ranch Estates are zoned Single Family (SF), which allows a building height of 28 feet plus an additional 5 feet for a pitched roof – the total amounting to 33 feet.



All of the subdivisions surrounding Thaynes Creek Ranch Estates, including Thaynes Canyon, Iron Canyon and Aspen Springs are SF zoning and permit 33 feet. All of the lots in Thaynes Creek Ranch Estates have been reduced to a height of 30 feet by the Planning Commission, with the exception of Lot 7, a 3.2-acre lot, which has been reduced to a 28-foot height.

Our request, is that Lot 7 be allowed an additional 2 feet in height to 30 feet to be consistent with the other lots in the subdivision.

The only person who has ever complained about building heights moved about 4 months ago to a ranch lot in Silver Creek Estates. The new owners have been notified of meetings, but have never attended.

It would be virtually impossible for a person traveling along Highway 224 to distinguish the difference between a building 30 feet high and one 28 feet high. The extra 2 feet would make the 2nd level more livable.

The final matter relates to the size of the home. The present permitted footprint on Lot 7, including garage, is set at 4,900 square feet. The second level at 60% of main floor level is 2,940 square feet. The purchaser would like to exchange 300 more square feet on the main level for 340 feet less on the second level. The result would be a 6,200 square foot footprint and 2,600 square feet on the second level. The increase on the main level would be 6%, while the decrease on the second would be 12%. This exchange would decrease the overall mass of the proposed residence and produce a lower profile. If the house and the barn were built as proposed, they would cover 5% of the lot.

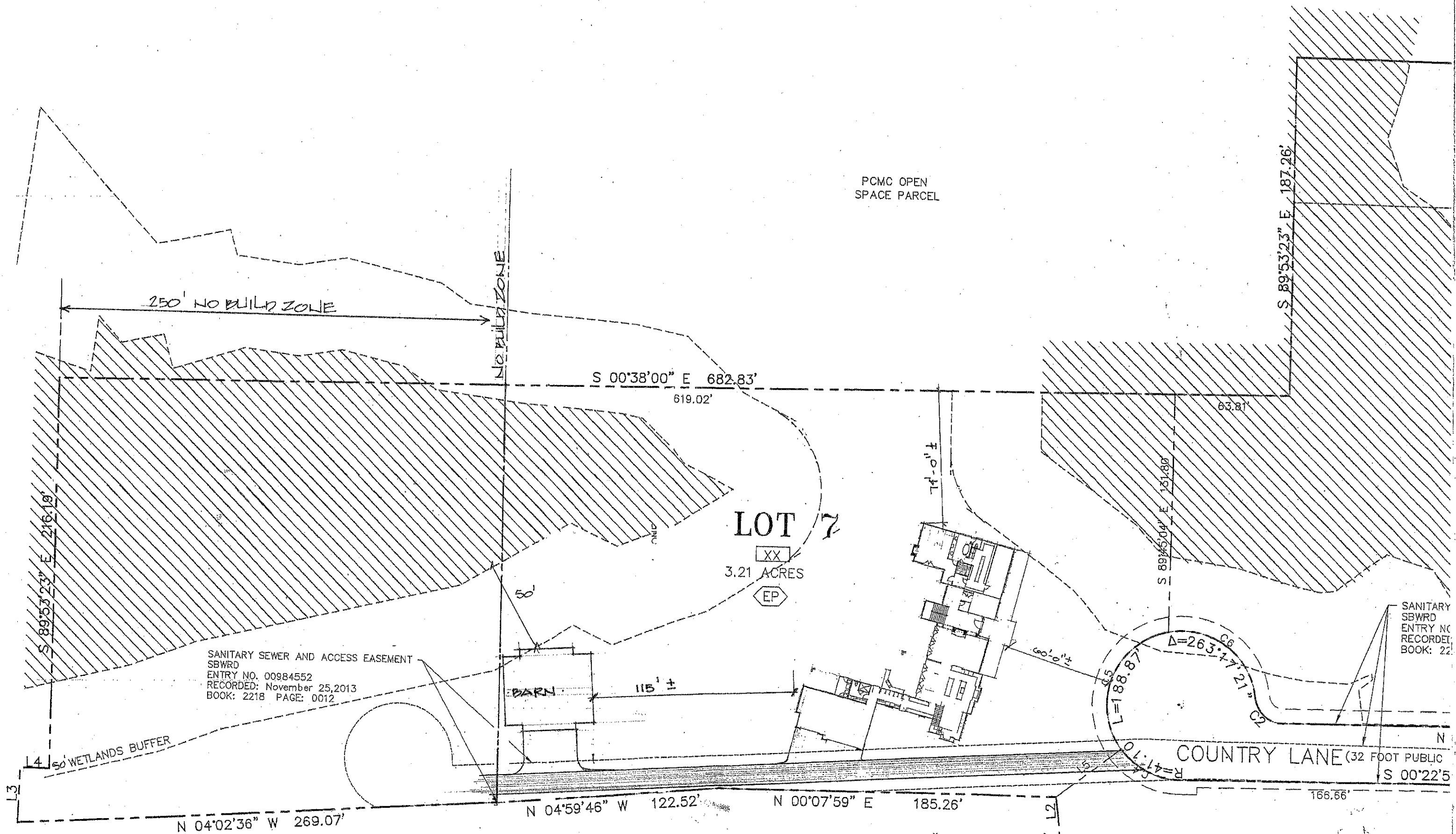
Your favorable review of these matters would be sincerely appreciated.

With best regards,



Frank Richards





SANITARY
SBWRD
ENTRY NO
RECORDED
BOOK: 22

LOT 8

XX

0.64 ACRES

City Council Staff Report



Subject: Amendment to Fee Resolution 13-14
Authors: Blake Fønnesbeck, Brian Andersen, Kory Kersavage, Jason Christensen
Department: Public Works, Budget, Debt, & Grants
Date: December 4, 2014
Type of Item: Administrative- Water and Parking Fees

Recommendation:

Staff recommends that Council hold a public hearing and consider amending **Section 2. Water Fees and Section 7. Parking Meter Rates, Violations, Towing And Impound Fees** fee schedule as reflected in Attachment A and as was presented in the staff report on June 5th, 2014. This would entail changing some of the water rates as outlined in Attachment A. Staff has not been charging the higher water rates, but has been charging the rates presented to Council and reflected in Attachment A. The amendment to Section 7 is based on recommendations discussed in the November 13, 2014 Council Work Session related to the downtown parking program.

Background:

The purpose of the water rate item is to correct a scrivener's error related to the adopted water fees.

The purpose of the second section of the report is to follow up from the November 13, 2014 Council Work Session staff recommended and received direction for the HPCA first phase recommendations on managing downtown parking. A copy of the staff report for the work session is attached as Attachment C. To implement the HPCA first phase recommendations presented at this work session meeting, changes are needed to the City Fee Schedule.

Analysis:

The purpose of the water rate item is to correct a scrivener's error related to the adopted water fees. On June 5th, 2014 an updated fee schedule was presented to council. When the redlined changes were incorporated into the adopted resolution there were a couple of fees that were on that resolution incorrectly. All of the incorrect fees were water fees. The incorrect fees reflect a higher cost per unit of water than was presented to Council. In Attachment A, the correct fees are outlined and it is recommended that these fees be adopted by Council as they reflect what was originally presented to Council during the budget process.

Changes to the parking section of the City Fee Schedule are needed to enact the program changes for the HPCA first phase recommendations. Attachment A contains the recommended changes to the Fee Schedule, and Attachment B shows the resolution adopting the changes to the Fee Schedule.

Department Review:

This report has been reviewed by Water, Budget, and Legal Departments and the City Manager.

Alternatives:

A. Approve:

There are two items to be approved. One is the water fees; this will amend the fee resolution so that it reflects the June 5th, 2014 staff report. The second is the recommended fee changes contained in the parking section of the Fee Schedule. Staff recommends City Council hold a public hearing and implement amendments to the parking section of the fee resolution shown in Attachment A to support the HPCA first phase recommendations for the parking program changes discussed in the November 13, 2014 Council Work Session. This is staff's recommendation. One or both of these recommendations could be approved.

B. Continue the Item:

Council should provide staff with direction on whether or not to charge the higher fees.

C. Do Nothing:

Council should provide staff with direction on whether or not to charge the higher fees.

D. Modify:

Council could give staff direction to modify the fee schedule, but staff does not recommend that this occur outside of the current budget process.

E. Deny:

Council should provide staff with direction on whether or not to charge the higher fees.

Significant Impacts:

If the changes to the parking section of the City Fee Schedule are not adopted, there will be confusion as to what the parking fees will be for the upcoming winter season.

Recommendation:

Staff recommends that Council hold a public hearing and consider amending **Section 2. Water Fees and Section 7. Parking Meter Rates, Violations, Towing And Impound Fees** fee schedule as reflected in Attachment A and as was presented in the staff report on June 5th, 2014. This would entail changing some of the water rates as outlined in Attachment A. Staff has not been charging the higher water rates, but has been charging the rates presented to Council and reflected in Attachment A. The amendment to Section 7 is based on recommendations discussed in the November 13, 2014 Council Work Session related to the downtown parking program.

Attachments:

- A – Excerpts showing changes to Fees Schedule
- B – Resolution Adopting the Fee Schedule

C – Staff Report for November 13, 2014 Council Work Session on Main Street
Employee Peak Parking Demand

Attachment A

Recommended amendment to Section 2 Water fees

2.2.2 Water Consumption Rates. All water delivered through each meter, excepting commercial meters, between November 1 and May 31 of each year shall be charged at the rate of ~~\$6.89~~**\$7.72** per thousand gallons. All water delivered through commercial meters shall be charged per Paragraph 2.2.3 year-round.

2.2.3 Water Conservation Rates (For all water billed on or after July 1", 2014). All water delivered through each meter serving single family residential, multi-family residential, commercial and landscape irrigation customers per month between June 1 and October 31 of each year shall be billed at the following rates:

Type	Block 1 \$4.90 \$5.49 per 1,000 gals	Block 2 \$7.86 \$8.80 per 1,000 gals	Block 3 \$12.77 \$14.30 per 1,000 gals	Block 4 \$19.67 \$22.03 per 1,000 gals
Single Family	0-5,000	5,001 - 30,000	30,001 - 80,000	Over 80,000
Multi-Family				
3/4"	0-10,000	10,001-36,000	36,001-80,000	Over 80,000
1"	0-17,000	17,001-57,000	57,001-120,000	Over 120,000
1.5"	0-30,000	30,001-100,000	100,001-200,000	Over 200,000
2"	0-48,000	48,001-160,000	160,001-320,000	Over 320,000
3"	0-96,000	96,001-320,000	320,001-640,000	Over 640,000
4"	0-150,000	150,001-500,000	500,001-1,000,000	Over 1,000,000
6"	0-180,000	180,001-600,000	600,001-1,200,000	Over 1,200,000
Irrigation				
3/4"		0-56,000	Over 56,000	
1"		0-90,000	Over 90,000	
1.5"		0-185,000	Over 185,000	
2"		0-300,000	Over 300,000	
3"		0-600,000	Over 600,000	
4"		0-935,000	Over 935,000	
6"		0-1,865,000	Over 1,865,000	
Commercial Year round		\$6.89 \$7.72 per 1,000 gals	\$10.67 \$11.95 per 1,000 gals	
3/4"		0-150,000	Over 150,000	
1"		0-300,000	Over 300,000	
1.5"		0-500,000	Over 500,000	
2"		0-750,000	Over 750,000	

3"		0-1,200,000	Over 1,200,000	
4"		0-1,700,000	Over 1,700,000	
6"		0-1,700,000	Over 1,700,000	
All users except construction between November & May	\$6.89 \$7.72 per thousand gals			
Construction Water	\$228.67 \$256.11 Monthly Base Chg.	\$9.06 \$10.15 thousand gals.		

Recommended Amendments to SECTION 7. PARKING, METER RATES, VIOLATIONS, TOWING, AND IMPOUND FEES of the PARK CITY FEE SCHEDULE

7.1 Fines for meter violations are as follows:

First violation per registered owner(s): No fine or late fees. Vehicle license plate and/or VIN numbers will be logged into the system and a courtesy card issued to welcome to Main Street and educate user on the pay-and-display meter system.

Second thru Fifth (2nd- 5th) violation per registered owner(s):
\$20 from the date of violation until fourteen (14) days following the violation, escalating to:

\$40 after 14 days;
\$60 after 30 days;
\$80 after 60 days

More than five (>5) violations per registered owner(s):
\$40 from the date of violation until fourteen (14) days following the violation, escalating to:

\$60 after 14 days
\$80 after 30 days
\$100 after 60 days

7.2 Fines for mobility disabled space violations are as follows:

\$150 from the date of violation until fourteen (14) days following the violation, escalating to:

\$170 after 14 days;
\$190 after 30 days;
\$210 after 60 days

7.3 Fines for special event parking violations. When enacted by the City Manager under Section ~~7.6~~ **7.7**, the fines for special event parking violations are as follows:

A. Egregious violations (i.e.. obstructing traffic on Main Street or along bus routes) or mobility disabled space violations. \$150 from the date of violation until fourteen (14) days following the violation, escalating to:

\$170 after 14 days;
\$190 after 30 days;
\$210 after 60 days

B. Fines for all other special event parking violations. \$75 from the date of the violation until fourteen (14) days following the violation.

\$95 after 14 days;
\$115 after 30 days;
\$135 after 60 days

7.4 FINES FOR TIME LIMIT PARKING VIOLATIONS are as follows: \$20 from the date of violation until fourteen (14) days following the violation, escalating to:

\$50 after 14 days;
\$70 after 30 days;
\$90 after 60 days

More than five (>5) violations in the previous three years per registered owner(s):
\$40 from the date of violation until fourteen (14) days following the violation, escalating to:

\$60 after 14 days;
\$80 after 30 days;
\$100 after 60 days;

7.5 Fines for all other parking violations are as follows:

\$30 from the date of violation until fourteen (14) days following the violation, escalating to:

\$50 after 14 days;
\$70 after 30 days;
\$90 after 60 days

More than five (>5) violations per registered owner(s):
\$50 from the date of violation until fourteen (14) days following the violation, escalating to:

\$70 after 14 days;
\$90 after 30 days;
\$110 after 60 days;

7.6 Parking Permits

~~Employee Parking Permit~~

China Bridge Parking Permits

Employee Permit: A parking permit is available to Main Street employees for the China Bridge Parking Structure and the Gateway Garage for uncovered areas (rooftop). The permit is not valid after 6:00 pm on both Friday and Saturday or during major events.

Alternative parking areas may be provided for these events. The cost is ~~\$100~~ \$150 annually, ~~annually, \$65~~ \$100 if purchased after April 1st of each calendar year. A replacement permit can be purchased for ~~\$65~~ \$100 subject to approval by the Parking Manager. Verification of employment at a Main Street business is required to purchase this permit.

Business Parking Permit

Business Permit: Businesses with a Main Street address and valid business license are eligible to purchase a ~~Swede Alley Business Permit that allows parking over the four hour time limits in all Swede Alley surface lots but not between the hours of 2 a.m. to 6 a.m. This permit also allows parking in the covered levels of China Bridge garage~~ parking permit valid for China Bridge and Gateway covered areas. The permit is not valid during major events. Alternative parking areas may be provided for these events. This permit allows parking beyond the 6 hour limit not to exceed 72 hours at one time in a parking space. Cost for this permit is ~~\$500~~ \$300 annually, \$200 if purchased after April 1st of each calendar year. A replacement permit can be purchased for \$200 subject to approval by the Parking Manager.

7.7 Special Event Parking. The City Manager may implement Special Event Parking Permit Fees, Special Event Meter Rates and/or Special Event Parking Fines for events held under a Master Festival License. The fee for these Special Event Parking Permits and Special Event Meter Rates will not exceed \$50 per day.

7.8 Tow and Storage Fees. Vehicles towed from City parking and stored in private lots are subject to Utah State allowed amounts as outlined in the Park City Police Department Towing Rate Schedule.

7.9 Immobilization Fee \$35

7.10 Fees for Special Use of Public Parking are as follows:

Main Street, Heber Avenue, Park Avenue (Heber to 9th St):	Daily rate of \$16 per space
Swede Alley:	Daily rate of \$12 per space
Sandridge, South City Park, Residential Permit Zones:	Monthly rate of \$20 per space
a. Up to two spaces for vehicle parking with approved and active building permit	\$0.00
b. Vehicle Permits	\$20 per space per month
c. Dumpster or Equipment Permit	\$50 per space per month
Pay station removal for construction:	\$1,000
Application Fee:	\$20

Applications are reviewed by appropriate divisions, such as Parking Services, Transportation, Police, Building Departments, and Special Events.

7.11 Meter rates are as follows:

For Main Street and the Brew Pub lot: \$1.50 per hour up to a three hour limit. Metered parked hours are 11am to 11pm daily. Minimum purchase is 20 minutes with coin, parking card, and tokens. No less than one hour can be purchased with a credit card. For event rates, see Section 7.7.

7.12 In-car meter devices:

Free with purchase of \$50 or more of prepaid parking time. In-car meter and prepaid card parking time is available to residents at a 46.67% discount equivalent to \$0.80 per hour.

7.13 Tokens are available for sale as follows:

Up to 50 tokens:	\$0.50 each
50-299 tokens:	\$0.40 each (20% discount)
300 or more tokens:	\$0.35 each (35% discount)

Large purchases subject to Parking Manager approval and are limited to Main Street business license holders.

7.14 Meter payment by cell phone:

Users sign up for a free account. Meter rates in Section 7.11 apply; no less than one hour can be purchased. City pays the convenience fee charged by the service provider.

7.15 Interior Bus Board Advertising Rate Schedule

11" x 22" advertising space for Winter Season (Dec 1 st - May 31 st)	\$3,000.00
11" x 22" advertising space for Summer Season (Jun 1 st – Nov 30 th)	\$1,100.00
11" x 22" advertising space for Full Year	\$4,000.00
Special Events / Sundance	Current seasonal rates apply.

*10% discount available for art submitted by art submission deadline
– Nov 10th for Winter Season, May 12th for Summer Season.

*Rate includes printing/production cost.

Attachment B



Resolution No. __ - __

RESOLUTION AMENDING SECTION 2. WATER FEES; AND AMENDING SECTION 7. PARKING, METER RATES, VIOLATIONS, TOWING, AND IMPOUND FEES OF THE PARK CITY FEE SCHEDULE RESOLUTION 13-14 OF THE PARK CITY FEE SCHEDULE RESOLUTION 13-14

WHEREAS it is necessary to amend SECTION 2. WATER FEES OF THE PARK CITY FEE SCHEDULE RESOLUTION 13-14 to reflect the fees presented to council in a staff report on June 5th, 2014; and

WHEREAS it is necessary to update SECTION 7. PARKING, METER RATES, VIOLATIONS, TOWING AND IMPOUND FEES OF THE PARK CITY FEE SCHEDULE RESOLUTION 13-14 to reflect program changes discuss on November 13, 2014 and to reflect the changing costs of performing services; and

WHEREAS, a public hearing was held on December 4, 2014, to receive public comments on the user fee increases,

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

SECTION 1. FEE SCHEDULE AMENDMENTS. SECTION 2 WATER FEES AND SECTION 7. PARKING, METER RATES, VIOLATIONS, TOWING, AND IMPOUND FEES OF THE PARK CITY FEE SCHEDULE is hereby amended as outlined in Attachment A,

SECTION 2. AMEND TITLE. SECTION 2 WATER FEES AND SECTION 7. PARKING, METER RATES, VIOLATIONS, TOWING, AND IMPOUND FEES OF THE PARK CITY FEE SCHEDULE RESOLUTION 13-14 is hereby repealed,

SECTION 3. EFFECTIVE DATE. This resolution shall take effect upon adoption.

PASSED AND ADOPTED this 4th day of December, 2014.

PARK CITY MUNICIPAL CORPORATION

Mayor Jack Thomas

Attest:

Marci Heil, City Recorder

Approve as to form:

Mark D. Harrington, City Attorney

City Council Staff Report

Attachment C



Subject: Main Street Employee Peak Parking Demand
Author: Blake Fannesbeck
Department: Public Works
Date: November 13, 2014
Type of Item: Work Session Discussion

Summary Recommendations:

Staff recommends that the City Council review, discuss and direct staff to implement the HPCA first phase recommendations for changes to the China Bridge parking regulations and parking pass fees for the 2015 calendar year to address parking shortages for customers of Main Street during peak times. Staff also recommends Council direct staff to collect data for the first five weeks of the program and return to Council thereafter with results and any needed recommendations to adjust the program.

Topic/Description:

Through data collected it was found that the China Bridge Parking Garage is reaching capacity on Friday and Saturday evenings between 6:30 - 9:00p.m. A survey completed by the HPCA found that there are approximately 1,000 employees that work at Main Street businesses, many of whom park in the China Bridge Parking Garage. The Main Street Parking Initiative is a collaboration of the HPCA and City Parking staff to create a plan to allow Main Street customers better access to parking. We have identified multiple approaches to address this issue that include balanced fees, enforcement, and enhanced transportation/satellite parking.

Background:

In the fall of 2013 the HPCA raised the priority of parking and available capacity to one of its top issues. A Peak Day/Hour Parking Task Force with members of the HPCA and City Staff was created with the goal of increasing available parking for customers of Main Street. Following the creation of the task force several actions were taken:

- A Main Street Business survey was completed that showed that there may be as many as 1,000 employees working during busy times which could be taking up 60-70 percent of available parking in the Main Street area.
- City Staff conducted a survey of the China Bridge parking structure and determined that on Friday and Saturday evenings from approximately 6:30p.m. to 9:00p.m. the parking lot was at 90-100 percent capacity.
- Staff reviewed the collected data, looking for ways to increase available parking for customers during peak times.

During four weekends in late July and August of 2014 Transit and the HPCA created the Peak Day/Hour Parking Pilot program that encouraged Main Street employees that lived along a Park City Transit route to take the bus to work on Friday and Saturday

evenings, reducing employee parking in China Bridge. The pilot program included extending the bus hours to 3:00a.m. on Friday and Saturday nights to accommodate employees getting off work around 2:00a.m. This program also included incentives from the HPCA in the form of cash prize drawings for participants. The program did not include increased enforcement in the form of actual parking tickets to those parking longer than the six hours after 8:00p.m.; violators were only given warnings. Though a novel approach, due to the lack of enforcement the pilot program did not have significant participation. Lessons learned from the program were as follows:

- Incentives are not effective in getting employees to change behavior and use transit.
- Without increased enforcement we cannot create a change in behavior.
- “Spot jumping” (the individual moves their car to another space in the garage to avoid the six hour time limit violation) is highly used by many to avoid enforcement.
- The pilot program may have been too short of a time period both to provide reliable data and change behavior due to the fact that Arts Fest was on the second weekend of the pilot program which interrupted the program message as well as limited data collection to only three weeks.

Following the pilot program the HPCA/PCMC Task Force put together a plan for the 2014/15 year that would address the lessons learned from the pilot program.

In October the Task Force presented the following draft permit proposal for China Bridge permits to the full HPCA Board (a description of the recommended China Bridge permit program appears in the four-column table, below):

China Bridge Parking Pass Draft Proposal

\$150	• Non-transferable • Window sticker or plate registration • Uncovered areas • Blackouts Fridays & Saturdays after 5 pm & major events
\$300	• Reassign-able, not transferable • Hangtag or multiple plate registration • Covered areas • Blackouts Fridays & Saturdays after 5 pm & major events

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- | | |
|-------|---|
| \$750 | <ul style="list-style-type: none"> • Transferable • Hangtag • No Blackouts • Includes Sundance guaranteed levels • Proposed Sundance guaranteed only permit is \$450 |
|-------|---|
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This earlier proposal still maintained the current six hour time limit per space in all of China Bridge for vehicles without a permit. This proposal did not address “Spot Jumping”.

The HPCA Board had various concerns about this first proposal from the Task Force. To work for consensus and to fully identify the many concerns, Alison Butz of the HPCA and the Task Force held an extensive series of meetings with concerned Main Street Business owners, managers, and employees to listen and create a consensus on a first phase solution that could be enacted in this upcoming 2014/15 year.

The following table represents a counter proposal that represents what we believe is a majority of the HPCA businesses as a first phase:

HPCA Peak Parking Demand Recommendations

	Existing	Proposed	# of Parking Spaces
Sandridge Parking Lots	24 Hours – Free	24 Hours - Free	101
China Bridge			
• Top Level	Unlimited – No parking 3am to 7am	Unlimited – No parking 3am to 7am	144
• Covered	6 hours per space – 8am to 8pm	6 hours per vehicle – 8am to 11pm	504
Main Street	3 hours - \$1.50/hr. – 11am to 8pm	3 hours - \$1.50/hr. – 11am to 11pm	185

	Current CB Permit	CB Permit w/ Black Outs Amended	CB Permit w/out Black Outs Amended
Cost	\$100	\$150	\$300
Maximum Number Issued	None	500	100
Permits	Unlimited parking in covered area	Unlimited parking in covered area Sundays –Thursdays all day. Unlimited parking Fridays and Saturdays until 6pm.	Unlimited parking in covered area
Who can purchase?	Employees of businesses	Businesses (similar to season passes through Chamber)	Businesses (similar to season passes through Chamber)

Transferrable	Yes, no notification needed	Yes, no notification needed	Yes, no notification needed
Sundance	Top Level of China Bridge if available *additional add-on for covered area available for purchase	Top Level of China Bridge if available *additional add-on for covered area available for purchase	Top Level of China Bridge if available *additional add-on for covered area available for purchase
Arts Festival	Top Level of China Bridge if available	Top Level of China Bridge if available	Top Level of China Bridge if available

It was recognized early on that changes to the current system will require changes in behavior that need alternatives such as satellite parking and public transportation to reduce the number of cars parking in China Bridge.

As an integral part of this first phase transit would have the City implement a Friday and Saturday transit component to provide an offsite solution for employee parking displaced by the HPCA recommendations. City staff has worked with the Park City School District to allow Main Street employees to park in the Treasure Mountain Middle School (TMMS) parking lot starting at 3:30 p.m. on Friday and Saturday's. Transit will provide a point to point 15 passenger van from 3:30p.m. to 7:30p.m. to shuttle employees from the TMMS lot to the Old Town Transit Center at 10 minute intervals. Transit will also extend the same bus routes as in the summer pilot program until 3:00a.m. to accommodate those Main Street employees working until 2:00a.m. The Transit cost estimates for the winter season starting December 19, 2014 through April 18, 2015 are as follows:

Point to Point Van (Friday, Saturday): 34 days @ \$550 per day = \$18,700

Extended Bus Hours (Friday, Saturday): 34 days @ \$1,400 per day = \$47,600

Total Transit Cost = \$66,300

Parking staff has estimated that if the Peak Parking Demand Recommendations from the HPCA are implemented, the increased enforcement and parking pass fees will generate a net of \$65,000 during this upcoming 2014/15 year. This could go to help offset the transit costs from December through April. Any additional revenue could go towards future capital related to parking or offset of annual China Bridge maintenance costs.

The City spends \$362,408 dollars for annual maintenance costs for China Bridge. That equates to around \$560 per space per year.

Implementation

The HPCA will be responsible for communication and marketing of this program to Main Street Businesses and their Employees to ensure that this program has a viable chance for success.

Staff will collect data for the first five weeks of the program to determine how the program is working and also to identify any potential program changes needed. Staff is specifically concerned about the prevalence of Spot Jumping, as an employee without a permit can park for 6 hours then move his or her car and park for another 6 hours. However, at this juncture, staff believes that testing the programmatic changes supported by the HPCA Board is a necessary first step. While staff has concerns, it is possible that the permit changes and frequent van service to offsite parking will work.

Department Review:

This Staff Report was reviewed by the Public Works, Economic Development, Transportation Planning, Executive and the Legal Department.

Alternatives:

- A. Accept Recommendation:** Accept the Peak Parking Demand Recommendations from the HPCA for the 2014/15 year. Use the data collected on the first five weekends of the program to determine if the peak demand is significantly reduced along with Transit data (i.e. number of riders in point to point van) to determine if the program is on the right track or if alternatives such as “B” or “C” should be implemented at that time.
- B. Reduce Non-Permit Parking Time to address Spot Jumping:** Reduce six hour parking in China Bridge to four hour parking.
- C. Paid Parking during peak periods only:** Implement paid parking in China Bridge on a demand basis (i.e. if weekends are when the parking is full, then charge for parking only on weekends, this could then adjust as parking demand increases for other times of the week) This option would have to be studied to determine capital costs and timelines as well as fee recommendations.
- D. No changes to current program:** Do nothing this year with passes and initiate a study that would determine the best way to manage the parking shortages.

If the City Council would like to consider alternatives other than alternative “A” then staff will need to come back in a Work Session to discuss.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Accessibility during peak seasonal times + Well-utilized regional public transit	+ Reduced municipal, business and community carbon footprints		
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Very Positive 	Positive 	▼ Neutral 	Neutral 

Consequences of not taking the recommended action:

Staff and the HPCA task force we asked to put together a recommendation for City Council. Many hours were spent to get the thoughts and feelings of the HPCA members. The consequence of not trying the recommendation could affect collaboration on parking issues in the future.

Recommendation:

Staff recommends that the City Council review, discuss and direct staff to implement the HPCA first phase recommendations for changes to the China Bridge parking regulations and parking pass fees for the 2015 calendar year to address parking shortages for customers of Main Street during peak times. Staff also recommends Council direct staff to collect data for the first five weeks of the program and return to Council thereafter with results and any needed recommendations to adjust the program.