PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
DECEMBER 3, 2009

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 3, 2009.

Closed Session
3:00 p.m. Property

Work Session

3:30 p.m.	Council questions/comments	
3:50 p.m.	Hot air balloons	P. 4 - 14
4:20 p.m.	Extraordinary funding requests review	P. 15 - 50
4:50 p.m.	VCBO presentation on the Racquet Club	P. 51 - 61
5:20 p.m.	Comstock sidewalk • Public input	P. 62 - 69
5:50 p.m.	Break	

Regular Meeting
6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

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

IV WORK SESSION NOTES AND MINUTES OF MEETING OF NOVEMBER 12, 2009
P. 70 - 85

V NEW BUSINESS *(New items with presentations and/or anticipated detailed discussions)*

1. Consideration of a Resolution Declaring Park City as a “Concussion Aware Town” and proclaiming December 6 through December 12, 2009 as “The Grateful Head Project Week” in Park City, Utah P. 86 - 88

2. Consideration of an Ordinance amending the Land Management Code regarding Master Plan Developments in the HR-2 District
   (a) Public hearing
   (b) **Motion to continue to January 28, 2010**

3. Consideration of an Ordinance approving the Glory Hole Subdivision, located at 518 Deer Valley Drive, Park City, Utah
   (a) Public hearing
   (b) **Motion to continue to a date uncertain**

4. Consideration of an Ordinance approving a plat amendment for 1150 Deer Valley Drive, Snow Country Condominiums, Park City, Utah
   (a) Public hearing

(b) **Motion to continue to a date uncertain**

5. Consideration of an appeal of the approval of a Steep Slope Conditional Use Permit for 108 Park Avenue granted by the Planning Commission on October 14, 2009 – appellant Carol Rixey P. 89 - 137

(a) Staff appeal process and project overview
(b) Presentation by appellant
(c) Deliberations/possible action

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

VII ADJOURNMENT

A majority of 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.

RECREATION CENTER BUILDING DESIGN
INFORMATIONAL MEETING
PARK CITY, UTAH
DECEMBER 2, 2009

PUBLIC NOTICE IS HEREBY GIVEN that a majority of City Council members may attend the above-referenced meeting to be held at the Racquet Club, 1200 Little Kate Road, from 4:30 p.m. to 6:30 p.m. on Wednesday, December 2, 2009.

See: 11/30/09
www.parkcity.org

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

December 2009

3	See agenda
10	Visioning debrief (work)
	Lower Park Avenue RDA and housing (work)
	Park Avenue parking regulations (work)
	Insurance Placement for 2010
17	Senior survey needs assessments (work)
	US Postal Service – gang box plan (work)
	Open space maintenance (work)
	Municipal Carbon Reduction Goal (work)
	Agency minutes
	Audit approval
24	**No meeting – Christmas Eve**
31	**No meeting – New Year's Eve**

January 2010

7	Swearing-in ceremony
	Ordinance – 1440 Empire Avenue – KS
	Ordinance – 3615 Sun Ridge Drive – JM
	Ordinance – 2001 Park Avenue – BR
	Ordinance – 7447 Royal Street #351 – BR
	Ordinance – 801-817 Park Avenue Park Place - BR
11-14	*Council Visioning Session*
14	(light meeting)
21	**No meeting – Sundance opening**
28	Ordinance – LMC amendment for MPD in HR-2 - KW

February 2010

4	
11	
18	
25	

March 2010

4	
11	
18	
25	**No meeting**

Pending Items:

Quinn's WTP Building Construction Contract – TT
Anti-discrimination ordinance
Special event prioritization – work
Performance measures (work)
Resolution amending (or replacing) Resolution No. 20-07, adopting Affordable Housing Guidelines and Standards for Park City, Utah
Carrying capacity/market analysis survey
Wild land interface issues

City Council Staff Report

Subject: Hot Air Balloon Launching/Landing
Author: Marin Decker, Intern
Department: Executive
Date: November 19, 2009
Type of Item: Informational

Summary Recommendations:
Staff recommends that the City Council review additional City-owned locations for hot air balloon launching and landing, and direct Staff to temporarily allow take-offs and landings only at the Quinn's Recreation Complex. Staff also requests that Council direct staff whether to pursue the creation of a hot air balloon permitting process and/or regulating ordinance.

Topic/Description:
Hot Air Balloon Launching/Landing

Background:
Hot air balloon operators are currently allowed to launch and land in the city-owned North 40 parking lot (see map, Attachment A). When hot air balloon operators pay for their business licenses, they receive a map of the area and are asked to sign a waiver indemnifying the City if damage is caused (Attachment B). In August 2009, the City received a letter from the Park City Balloon Association, comprised of Miles Ivers of PC Balloon Adventures and Daren Wilde of Morning Star Balloons, requesting that the City designate additional locations for hot air balloon launching and landing. Specifically, they requested:

- Permission to launch and land in the parking lots at Quinn's Recreation Complex
- Access for pre-emergency landings: City Park, Racquet Club Parking Lot, McPolin Farm fields
- Landing privileges at any other city parking lots or fields that would be appropriate

The letter stated that the reason for the request was to ensure safety in a growing Park City community.

Various city departments were contacted about the request. Several departments had concerns about the specific locations requested, as well as approving additional balloon landing locations in general.

Analysis:

<u>A. Locations</u>

Quinn's Recreation Complex

The parking lots and dirt lot are possible landing areas, especially the dirt area behind the maintenance building known as phase #2. Currently, the space is being used as construction area for the new water line. Staff is uncertain exactly how long the project will be using the space. If the lot is available, it would only be a temporary solution, as use would be discontinued when the field space is developed. The sports field light poles may be a concern, due to the possibility of balloons damaging the light fixtures or possibly toppling a pole. Staff also has concerns with balloons landing in the field, especially the Sportex field due to possibility of tearing or damaging the Sportex field fabric. The Ice Rink parking lot should be excluded.

Helicopter flights in the area are an additional concern. Life Flight's head helicopter pilot Bill Butts had several concerns with balloons launching and landing so close to the hospital:

- Helicopters cannot fly too close to balloons because of the turbulence that they create
- Hot air balloons have the right-of-way in the air because they have less ability to maneuver. Meaning, a hot air balloon landing in the sports fields could potentially block the helipad to the hospital and delay Life Flight.

Mr. Butts said he might be okay with the idea of balloons in the area if he was given advanced notice that the balloons were going to be in the area.

Miles Ivers' response to the Life Flight conflict was that the balloons would only be in the area for 5 minutes on average, 15 minutes maximum, at 6, 7, or 8 a.m. His opinion was that the odds were fairly slim that the balloons would be in the area at the same time as the helicopters. The balloons fly over the hospital at a fairly high altitude.

Conclusion: It may be feasible for the City to allow balloon launching and landing at the Quinn's dirt lot for a short period, but it would not be a permanent solution, and the balloon companies would have to abide by certain restrictions.

City Park
The area is too tight, too close to residences, has too much activity, and too many people and vehicles. The field lighting would also be a concern as with Quinn's.
Not recommended for launching or landing.

Racquet Club
The area is too tight, too close to residences, people and vehicles.
Not recommend for launching or landing.

McPolin Farm
No access, as the gate is usually locked; staff is also extremely concerned with fire danger with the open field. Distracted drivers on Highway 224 could also be a concern due to the close proximity of the highway to the potential balloon landing site. *Staff recommends no use.*

Other Locations

Farm Parking lot north/east side of 224
Limited space, too much traffic on Highway 224 and limited sightlines. Distracted drivers on Highway 224 would also be a concern. Power poles may also be an issue.
Staff recommends no use.

Snow dump site(s)
Current site: Unavailable - site of the new water treatment plant.
New snow dump sites: May be an option, but only in summer months. Staff may store road millings, etc. in the summer, so areas would need to be located away from construction staging areas.

Park & Ride Lot
Risk management and environmental do not recommend use. Council may consider this as another temporary site; however, Federal grant restrictions likely prohibit commercial use.

Triangle parcel off of Hwy 40 and Talisker parcel
Both possible launching and landing locations, but future development would likely prevent permanent use. Council may consider this as another temporary site.

Conclusion
Several sites are available for temporary use, but none are permanent options for launching and landing.

B. Hot Air Balloon Launching and Landing Issues

Regulation Background
The FAA requires that balloons have a current Airworthiness Certificate and a Certificate of Aircraft Registration in the aircraft, and that pilots who fly passengers for hire have a commercial Balloon Pilots License. Balloons can generally fly in any non-controlled airspace, and land where it is legal to do so: if on private property, permission must be granted by the landowner. Cities may regulate where balloon landing is allowed within city limits. Incidents related to balloon flight should be reported to the FAA for investigation.

Unauthorized Landings in the City
When contacted regarding additional locations for balloon landing, the Police Department reported that balloonists have recently made several landings in unauthorized areas of the City, including residential areas. When these incidents occur, the balloon operators state that they are emergency landings that could not be avoided. Police doubt that all of these landings were emergency in nature. Balloon operators have been asked by police to call or radio dispatch when these emergencies occur, preferably prior to landing, but the operators have not done so. Thus far in 2009, six incidents have been reported to police, four in September (see Attachment C).

Capt. Rick Ryan reported that before the balloonists were restricted to launching and landing in the North 40 parking lot, police handled even more complaints from citizens about trespassing, noise and even damage to property when balloons came close to houses. Capt. Ryan said complaints in several aspects have dropped off considerably since launching and landing locations were more restricted, and from his past experience with the companies, he believes that additional landing areas will lead to an increase in complaints. If the City does grant more locations, he would recommend a deposit be collected to cover possible damage, and possibly the approval of an ordinance authorizing fines for unauthorized landings.

Noise

Noise has been an aspect of residential complaints regarding balloons, but not the primary issue. According to a trade publication, Balloon Life, hot air balloon burners generate a level of noise between that of a freight train (88 decibels) and a circular saw (107 decibels). The noise level for those on the ground of course depends on the distance from the balloon. The City noise ordinance considers noise recorded at 65 decibels or more at a distance of 25 feet from the source to be excessive if before the hours of 7 a.m. in residential areas and 6 a.m. in commercial areas (Park City Municipal Code 6-3-9).

Property Damage and Permitting

If one or more additional locations are approved, property damage is a staff concern. The City may want to collect a deposit from balloon operators to cover potential damage. The City could also create a formal permitting process, requiring hot air balloon operators to submit information about each of their balloons so that if landing problems arise, operators may be identified. Council could also impose fines for unauthorized landings or landing a non-permitted balloon. In 2008, Wasatch County considered an ordinance requiring that balloons have a permit to land in the County, and deeming landing without a permit a Class B misdemeanor (see Attachment D). The County did not adopt the ordinance, but Park City could consider something similar. *Recommend Staff return with permits.*

Conclusion

Hot air balloons are an asset to a resort community, and their safe operation in Park City should be encouraged. Given that, staff recommends that the City make what efforts it can to accommodate hot air balloon operators through an additional temporary landing zone at the Quinn's Recreation Complex.

Department Review:

The Executive, Legal, Public Works, Code Enforcement, and Police Departments have reviewed this report.

Alternatives:

A. **Approve one or more additional temporary landing locations and direct staff regarding deposit or permit development (Recommended).**
B. **Deny the request for additional locations.**

C. **Continue the Item.**
D. **Do Nothing.**

Consequences of not taking the recommended action:
Hot air balloon operators will continue to land at current location, and some issues with private property landings may continue.

Recommendation:
Staff recommends that the City Council review additional City-owned locations for hot air balloon launching and landing, and direct Staff to temporarily allow take-offs and landings only at the Quinn's Recreation Complex. Staff also requests that Council direct staff whether to pursue the creation of a hot air balloon permitting process and/or regulating ordinance.

Attachment A

NORTH-40 BALLOON TAKE-OFF AREA

Attachment B

HOLD HARMLESS INDEMNIFICATION

The Balloonist 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 use of the North 40 Parking Area, 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 the extent of the negligence of the Balloonist; and provided further, that nothing herein shall require the Balloonist to hold harmless or defend the City, its agents, employees, and/or officers for their intentional torts. This waiver has been mutually negotiated by the parties, and is expressly made effective only for the purposes of the Balloonist's use of the North 40 Parking Area. Nothing herein shall waive any defense or limitation of the Utah Government Immunity Act.

BALLOONIST

Signature: ________________________

Print Name: ________________________

Date: ________________________

Individual:

STATE OF UTAH :
:ss.
COUNTY OF SUMMIT :

On this ________ day of _____________, 2008, before me, the undersigned notary public, personally appeared ______________________________, personally known to me/proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged that he/she/they executed the same.

Notary Public: ________________________
My commission expires:

Corporation:

STATE OF UTAH :
:ss.
COUNTY OF SUMMIT :

On this ______ day of ___________, 2008, 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 (or affirmed), did say that he/she is the __________________________ (title/office) of ______________________ and that this (document title) was signed by him/her in behalf of said Corporation by Authority of its Bylaws (or Resolution of the Board of Directors) and said __________________________ acknowledged to me that said Corporation executed the same.

Attachment C

Park City Police Department

BALLOON INCIDENTS 7-1-08 THRU 9-28-09

CASE #	DATE	INCIDENT	LOCATION	DESCRIPTION
08-13023	7/12/2008	Disorderly Conduct	43 Fox Glen Cir	Hot air balloon hit house. Scared dog, who ran away.
08-15087	8/11/2008	Citizen Assist	Gillmor Wy (Ice Rink)	Hot air balloon landed in parking lot. Asked not to do it again.
08-17237	9/13/2008	Code Enforcement	Gillmor Wy	Hot air balloon landed on roadway north of Ice Rink possible violation
09-02561	2/3/2009	Trespassing	Gilmor Wy (Ice Rink)	Hot air balloon landed on south parking lot of Ice Rink.
09-13934	7/30/2009	Trespassing	Gilmor Wy (Ice Rink)	2 Hot air ballown landed by Ice Rink. Pilots advised that they would be cited if it happened again
09-16593	9/9/2009	Trespassing	2172 Eveningstar Dr	Hot air balloon almost hit spa cover.
09-16661	9/10/2009	Citizen Assist	2463 Sunny Knoll Ct	Hot air balloon landed in street. Some of their lines got tangled in residence tree
09-16705	9/11/2009	Citizen Assist	2172 Eveningstar Dr	Hot air balloon landed in neighbors yard.
09-16806	9/12/2009	Citizen Assist	2576 Morning Sky Ct	Hot air balloon almost hit house and scimmed trees. Balloon Co has permission from city to land in the soccer field near residence.

Attachment D

ORDINANCE NO. 08-12

AN ORDINANCE ADOPTING AND ESTABLISHING WASATCH COUNTY CODE SECTIONS 11.07.01 AND 7.07.05 REGULATING HOT AIR BALLOONS IN WASATCH COUNTY.

RECITALS

WHEREAS, the Wasatch County Council desires to protect private property from the damage caused by the landing of hot-air balloons; and

WHEREAS, the Wasatch County Council finds that it is in the best interests of the citizens of Wasatch County to adopt the following sections of the Wasatch County Code;

NOW, THEREFORE, The County Legislative Body of Wasatch County hereby ordains as follows:

SECTION I: **Repealer.** If any provisions of the County Code heretofore adopted are inconsistent herewith they are hereby repealed.

SECTION II: **Enactment.**

Section 11.07.01 of the Wasatch County Code is hereby ADOPTED as follows:

Section 11.07.01. Permit to Land a Hot Air Balloon within Wasatch County.

(1) No person shall land a hot air balloon within Wasatch County without first obtaining a permit from the Wasatch County Clerk. A Permit issued by the Clerk shall be effective for one year from the date of issuance, unless it is revoked by the Clerk. The Clerk may revoke a permit upon the occurrence of any circumstance that would give the Clerk cause to deny the permit in the first instance.

(2) A person may obtain a permit to land a hot air balloon within Wasatch County Clerk by filing an accurate and complete application including the following:

(a) payment of a $25 fee;

(b) satisfactory evidence that the hot air balloon operator is a licensed pilot by the Federal Aviation Administration and a certification that the pilot of the aircraft will, at all times during flight, carry this license on his or her person;

(c) the name of the owner of the hot air balloon and, if the owner is a business, the nature of the business organization (e.g., corporation, partnership, sole proprietorship, etc.);

(d) the mailing address and phone number of the owner and, if the owner is a business, the name, mailing address, and phone number of the chief executive officer and the registered agent of the business;

(e) if the owner of the hot air balloon is a business, satisfactory evidence of a current business license issued by a municipality or county;

(f) a list of each hot air balloon for which landing privileges in Wasatch County are requested, including the aircraft identification number (the “N” number), and a photograph of the inflated hot air balloon; and

(g) a $1,000 bond or irrevocable letter of credit together with an authorization to the Wasatch County Clerk to unilaterally forfeit the bond or execute the letter of credit by certifying to the issuer of the bond or letter of credit that the following circumstances have occurred:

(i) an owner of property within Wasatch County presents to the Clerk a claim of property damage caused by one of the hot air balloons covered by the permit;

(ii) the Clerk has mailed, by regular first-class mail, written notice of the claim to the owner of the balloon (if an individual) or to the chief executive officer or registered agent of the owner (if a business); and

(iii) ten days have passed since the Clerk mailed the notice to the owner of the balloon.

(h) evidence of liability insurance for the operation of the hot air balloon, including a certification that the operator of the balloon will, at all times during flight, carry on his or her person proof of this insurance.

(3) Landing a hot air balloon within Wasatch County without the permit required by this section shall be punished as a class B misdemeanor.

Section 7.07.05 of the Wasatch County Code is hereby ADOPTED as follows:

Section 7.07.05. Landing a Hot Air Balloon on County Property or Private Property.

All persons landing a hot air balloon in Wasatch County shall abide by the following mandates:
(1) Landing a hot air balloon on County-owned or privately owned property is prohibited unless the balloon operator obtains express consent from the landowner, or the landowner's agent, prior to landing the balloon.
(2) Landing a hot air balloon on Wasatch County property or privately owned property without first obtaining the express consent of the landowner shall constitute Trespassing, which shall be an Infraction on the first offense, a class C misdemeanor on a second offense committed within a year of a previous conviction under this subsection, and a class B misdemeanor on a third offense committed within a year of two previous convictions under this subsection. In imposing a sentence for Trespassing under this subsection, the court may order the hot air balloon operator to pay restitution in an amount sufficient to repair all property damage proximately caused by the offense;
(3) In addition to Trespassing, and separate from any civil liability which may be imposed, the hot air balloon pilot may also have committed a violation of Criminal Mischief, as detailed in Utah Code section 76-6-106.

SECTION III: **Effective Date.** This Ordinance shall become effective immediately upon execution by the Chair of the County Council and the completion of public notice requirements imposed by state statute.

SECTION IV: **Severability.** If any section, subsection, sentence, clause, or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

SECTION V: **Public Notice.** The Wasatch County Clerk, and ex officio Clerk of the Wasatch County Council, is hereby ordered, in accordance with the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, to do as follows:

a. Enter at length this ordinance in the ordinance book;
b. Deposit a copy of this ordinance in the office of the County Clerk;
c. Publish a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name of the members voting for and against the ordinance, for at least one publication in a newspaper published in and having general circulation in the county; or post a complete copy of this ordinance in nine (9) public places within the County.

APPROVED and **PASSED** this ______ day of ___________________, 2008.

Attest:	WASATCH COUNTY COUNCIL:
______________________________	______________________________
Brent R. Titcomb Wasatch County Clerk / Auditor	Steve Farrell, Chair Wasatch County Council

	VOTE
Steve Farrell, Chairman	_____
Neil Anderton, Vice-Chair	_____
Kipp Bangerter	_____
Kendall Crittenden	_____
Val Draper	_____
Michael Kohler	_____
Jay Price	_____

City Council
Staff Report

Subject: Extraordinary Requests – Special Service Contracts
Author: Nate Rockwood
Department: Budget, Debt, & Grants
Date: December 3, 2009
Type of Item: Discussion

Summary Recommendations:
Discuss and give direction regarding the Special Service Contract Subcommittee's recommendation on funding extraordinary request for Special Service Contracts.

Topic/Description:
Extraordinary Requests – Special Service Contracts

Background:
On May 28, staff presented to Council the recommendation from the Special Service Contract (SCC) Subcommittee regarding which organizations would receive funding (and for what amount). During this Council meeting the total amount that would be awarded for FY 2010 was lower than the budgeted amount. In addition, the Boys and Girls Club of Greater Salt Lake recently discontinued services in Park City and returned all special service contract money awarded during the 2010-2011 budget cycle ($10,000 annual operating, $18,344 annual rent contribution). The Budget Document's 'Policies & Objectives' allows for extraordinary requests after the March 31 application deadline. The policy was altered on June 18, under Council direction, to consider extraordinary requests every six months if there are unallocated funds:

> **Deadlines:** All proposals for Special Service Contracts must be received no later than March 31. A competitive bidding process conducted according to the bidding guidelines of the City may set forth additional application requirements. If there are unallocated funds, extraordinary requests may be considered every six months during the two-year budget cycle, unless otherwise directed by Council.
>
> Extraordinary requests received after this deadline must meet all of the following criteria to be considered:
>
> **1.** The request must meet all of the normal Public Service Fund Distribution Criteria and qualify under one of the existing Special Service Contract categories;
>
> **2.** The applicant must show that the requested funds represent an unexpected fiscal need that could not have been anticipated before the deadline; and
>
> **3.** The applicant must demonstrate that other possible funding sources have been exhausted.

On July 9, Council discussed extraordinary requests from Arts-Kids (a current Special Service Contract recipient) in the amount of $20,000 for one year (FY 2010) and the Norwegian Outdoor Exploration Center in the amount of $20,000 ($10,000 annually). At that time Council directed staff to hold both requests to be considered during the regularly scheduled six month period (December 2009) along with any additional request. Since that time staff received 3 additional requests: KPCW, Mountain Fellowship, and Park City Education Foundation (a current Special Service Contract recipient). In order to better assess all extraordinary requests the Special Service Contract Subcommittee (SSCS) was convened to evaluate and make recommendations on each application. This subcommittee included Council Member Erickson and Hier and City staff.

Analysis:
The following table shows request amounts along with the two year recommendation provided by the SSCS:

Current Requests (Dec. 2009)			Recommended
Organization	**Annually**	**Two Year**	**Funding (Two Year)**
Arts Kids	$ 5,000	$ 10,000	$ 10,000
Norwegian Outdoor Exploration Center	$ 10,000	$ 20,000	$ 20,000
Park City Education Foundation	$ 10,000	$ 20,000	$ 20,000
KPCW	$ 10,000	$ 20,000	$ -
Mountain Fellowship	$ 10,000	$ 20,000	$ -
Total	*$ 45,000*	*$ 90,000*	*$ 50,000*

The following table has been updated to show what the Special Service Contract amounts for FY 2010-2011 would look like if the recommended funding amounts were to be approved:

Special Service Contracts FY 2010 - FY 2011 (Updated 11/23/2009)

Grantee	1st Distribution	2nd Distribution	One-Year Total	Two-Year Total
Park City/Summit County Arts Council	$19,200	$4,800	$24,000	$48,000
Mountainlands Community Housing Trust	$12,000	$3,000	$15,000	$30,000
P.C. Adult ESL	$3,600	$900	$4,500	$9,000
Park City Chamber/Bureau	$64,000	$16,000	$80,000	$160,000
P.C. Historical Society and Museum	$24,000	$6,000	$30,000	$60,000
Recycle Utah - Operating	$18,400	$4,600	$23,000	$46,000
Recycle Utah - Rent Contribution	*$9,577*	*$0*	*$9,577*	*$19,154*
People's Health Clinic	$25,800	$6,450	$32,250	$64,500
Christian Center	$8,000	$2,000	$10,000	$20,000
Mountain Mediation Center	$9,400	$2,350	$11,750	$23,500
Peace House, Inc.	$20,000	$5,000	$25,000	$50,000
Park City Community Outreach Center	$8,000	$2,000	$10,000	$20,000
Subtotal	**$221,977**	**$53,100**	**$275,077**	**$550,154**
Youth Organizations				
Children's Justice Center	$4,000	$1,000	$5,000	$10,000
ArtsKids	$12,000	$3,000	$15,000	$30,000
PC Education Foundation	$12,000	$3,000	$15,000	$30,000
Holy Cross Ministries	$4,000	$1,000	$5,000	$10,000
PC Performing Arts Foundation	$2,000	$500	$2,500	$5,000
Youth WinterSports Alliance	$6,000	$1,500	$7,500	$15,000
McPolin Elementary School	$8,000	$2,000	$10,000	$20,000
Valley Mental Health	$4,000	$1,000	$5,000	$10,000
Big Brothers/Big Sisters of Utah	$6,000	$1,500	$7,500	$15,000
Norwegian Outdoor Exploration Center	$8,000	$2,000	$10,000	$20,000
Subtotal	**$66,000**	**$16,500**	**$82,500**	**$165,000**
Grand Total	**$287,977**	**$69,600**	**$357,577**	**$715,154**

At this time, there are currently five formal extraordinary requests for funding, as noted in the Current Requests/Recommendation table. The Norwegian Outdoor Exploration Center and Mountain Fellowship are new applicants who have never received special service contracts previously.

Since the time of Arts-Kids' first application, individual and corporate donations have fallen off significantly, leaving a projected revenue decline of 39% over last fiscal year. While the organization has made significant budget reductions in order to remain operational, they have continued to struggle and have requested a reduced amount of $10,000 ($5,000 annually) in order to meet operational commitments.

The Norwegian Outdoor Exploration Center (outdoor educational organization) has also experienced a drop off in funding sources. Their application states: “The drop in funding from the Summit County RAP Tax was unforeseen and has had a direct negative impact on our current year's budget. Additionally, our fundraising responses are proving insufficient to maintain our programs.”

The Park City Education Foundation has seen increased enrolment this year, far surpassing the programs capacity. The current wait list for the program is in excess of 25 students. This increased enrolment can be directly tied to the discontinuation of the Boys and Girls Club programming in Park City. Increased funding will allow the Foundation to provide a sufficient level of service.

It is the recommendation of the Special Service Contract Subcommittee that these may constitute ‘extraordinary requests’ and therefore qualify for special service contract funding. The Committee recommends the amounts as outlined above in the Current Request/Recommended Funding table.

While the Committee recognized the valuable service provided by both KPCW and Mountain Fellowship, it was not able to recommend either organization as qualifying as an ‘extraordinary request' for a special service contracts at this time.

The Subcommittee determined that while Mountain Fellowship is providing services which are consistent with the award of a special service contract, the organization has not yet established the required elements to meet the ‘Public Service Fund Distribution Criteria’ as outlined in the City’s Contracts & Purchasing Policy (Budget Vol. 1, Polices & Objectives, chapter 5, part 1-A, pg. 119). The Subcommittee determined that Mountain Fellowship has not yet met criterion 1-e (Federally recognized not-for-profit status), criterion 3-a (a clear description of how public funds will be used and accounted for), criterion 3-c (a sound financial plan that demonstrates managerial and fiscal competence), and criterion 3-d (a history of performing in a financially competent manner). The Subcommittee recognized that Mountain Fellowship is in the process of applying for 501-c3 status and developing a well defined business plan. The Subcommittee recommends that when these elements are completed, Mountain Fellowship apply during the regular biennial budget/special service contract process.

The subcommittee determined that the funding of services provided by KPCW to not-for-profit groups for producing and broadcasting Public Service Announcements did not qualify as a service which “would otherwise be provided by the City” (Budget Vol. 1, Polices & Objectives, chapter 5, part 1-D, pg. 120). The City is committed to assisting KPCW in providing services to the community in other ways.

Department Review:
Budget, Debt, & Grants Department, the Legal Department, and the City Manager reviewed this report.

Alternatives:

A. Approve:
Approve the funding amount recommended by the Special Service Contract Subcommittee as outlined in the Current Request/Recommended Funding table ($50,000 - Two year total).

B. Deny:
Deny all SSC Extraordinary Request applications and reserve the remaining budgeted amount for future extraordinary requests to be used at Council’s discretion.

C. Modify:
Council may at its discretion modify the existing funding recommendations.

D. Continue the Item:

Council may continue the item in order to obtain any additional information which it deems necessary.

Recommendation:
Staff recommends that Council approve the funding amounts put forth by the Special Service Contract Subcommittee (alternative A).

Attachments:
A – Arts-Kids' Request for Additional Funding Letter (Nov. 24, 2009)
B – Arts-Kids' Original SSC Application
C – Norwegian Outdoor Exploration Center's Extraordinary Request
D – Park City Education Foundation Extraordinary Request
E – KPCW Extraordinary Request
F– Mountain Fellowship Extraordinary Request

Attachment A

Arts-Kids

Connecting through Creativity

A Decade of Service to the Youth of Summit County

November 24, 2009

Park City Council
Park City, Utah 84060
Attn: Nate Rockwood, Finance Dept.

Dear Park City Council:

I am happy to report that the Arts-Kids organization has managed to get through most of this year in a fiscally efficient manner. However, we are facing another shortfall with less anticipated income than we need through the end of the year. When Nate called to inform me that you were looking at the emergency funding again, I requested an extra $5,000 for 2009 and $5,000 for 2010.

Since we met this past summer, Valley Mental Health sponsored two shorter eight-week groups at McPolin and North Summit Elementary, and Treasure Mountain International Middle School sponsored their after-school group through at-risk funding. I only requested funding for actual program implementation without operational costs ($2,000 vs 3,600 for a 10-week group). Therefore, Arts-Kids received $6,000 from the two sources. We will finish those groups in December. To cut costs, we let our administrator and program assistant go, and I took a 50% cut in my salary. We have been able to begin a strategic planning process facilitated pro-bono, by a respected strategic planning consultant. A problem identified is that the community likes Arts-Kids but does not understand the program. Therefore, we have changed our mission statement to “Using the arts to enhance youth development and build community,” and our new tagline is “Life Skills for Youth.” We plan a focus group facilitated by Judy Sobin in December to explore ways to meet the needs of the community and hope that one of you will be a part of that.

In the meantime, we have had discussions with other organizations serving the community after-school to explore collaborations. Those discussions are currently in process, but we hope to end the strategic process with a stronger more well defined organization and program. Other revenue this year was:
Wells Fargo Bank-$500
St. Luke’s Episcopal Church-$1,000
District Gallery $650
Individual donations: $1,035.
Income from training on the Ute Reservation has also helped us to get through the fall.

Thank you again for considering our request.
Sincerely yours,

Pat Drewry Sanger
Executive Director

Arts-Kids is a 501(c)3 non-profit organization. All contributions, both cash and in-kind, are 100% tax-deductible.

Arts-Kids, Inc.● PO Box 980365 ● Park City, UT 84098-0365 ● 435.615.7878 ● f 435.649.7204 ● www.arts-kids.org

Attachment B

Arts-Kids
Connecting through Creativity

Special Service Contract Application

Park City Municipal Corporation

(1) Organization Contact Information

Name Pat Drewry Sanger, Executive Director

Address P.O. Box 980365

Park City, Utah 84098

Phone 435-615-7878 Fax 435-649-7204

E-mail pat@arts-kids.org

(2) Applicable Special Service Contract category for this proposal:

Youth Programming

(3) Proposed Total (two-year) Contract Amount: $ 30,000 ($15,000/year)

Signed: Pat Drewry Sanger **Date:** March 30, 2009

(4) a. How Requested Funds will be Used

The funds will be used to support the Arts-Kids program in the Park City School District for the academic years of 2009-2010 and 2010-2011.

The Arts-Kids, Inc. after-school program in Park City/Summit County serves between 350 and 420 children each year. It is a youth development program that uses the arts in a small group setting with an emphasis on creating a safe, though diverse community. School counselors, or other knowledgeable staff, carefully select students to be invited to participate in order to balance each group with different ages and backgrounds. Children, ages 8-15, who have more than average stressors and those underserved by other resources are prioritized. There are a minimum of 30% minority youth represented each session – the minorities represented are primarily Hispanic children with a few Native American, African American, Asian or European as well.

Mission Statement: Empowering Youth Through the Expressive Arts: Connecting Through Creativity.

Rationale:
Through the arts, participants learn problem solving, creative thinking and listening skills. These abilities, which are transferable to the classroom and other life activities, can aid in reducing the risk of school dropout and/or juvenile delinquency. When children feel they belong and are encouraged to think and express themselves creatively, they are more motivated to achieve their potential. The Arts-Kids program focuses on increasing motivation, building intimacy, and creating a sense of community, therefore improving confidence and sense of belonging.

Arts programs in public schools have suffered heavily in recent years due to a number of factors. Tightening budgets have caused cuts in programs – often the arts – and the focus on testing due to No Child Left Behind laws. Today schools focus on enabling children to pass testing in the basics, much to the detriment of the arts. Yet, participation in the arts is important to success in other subjects. Many children have learning styles better suited for the hands-on experience of the arts. Children with learning disabilities and language barriers respond enthusiastically and can achieve success through artistic expression. In Arts-Kids they are encouraged to use their imagination freely and experience the joy of the improbable as well as building friendships and community. When children and youth associate positive experiences of fun and a sense of belonging, their motivation and self-esteem increase and they are less likely to drop out of school or erupt in angry destructive behaviors. They are also learning to lead and to follow, laying a foundation for productive future citizens.

Program Description:
A trained facilitator leads each group of 18 children with the help of 4-5 trained volunteers of high school age or adults, providing a ratio of 1:3 adults to children. They form a structured container within which the children are encouraged to celebrate and express their unique selves through verbal and artistic expression of all modalities. The

facilitator and volunteers are mentors and role models for the children during the life of the group.

Each group begins and ends with a talking circle, often using a talking stick decorated by members of the current group. In the opening circle, each child and adult states a "high" and a "low for the week and an intention for the 2.5 hour session. During the closing circle, each person indicates whether his/her intention was met and relates a learning experience or what was meaningful during the art process. Practicing professional artists, comfortable and skilled with children, are contracted to provide experiential activities in each of their particular art form. All modalities are incorporated within the ten weeks from visual (2 and 3 dimensional), movement, drama and music. The emphasis is on the process versus the end product.

In the Park City/Summit County model each group is a link in a network of small groups in the elementary and middle schools in a school district. The same format is used in each group, which allows for quality control and standardization of the model. Facilitators, artists and volunteers are trained in the implementation of the format and philosophy. They also learn positive group dynamics and behavior management. Facilitators and artists are paid $100/2.5 hour session.

(3) b. Financial Information
Program Budget:
The participant cost for each ten-week group is $3600 or approximately $200 per student. Artists and facilitators receive a stipend of $100 per session. The cost of art supplies varies; depending on the art activity, but typically averages $205 per group.

PROGRAM BUDGET
Program Year - July 2008 to June 2009

PROGRAM		
	Stipend - Artists	11,840.00
	Stipend - Facilitators	16,640.00
	Art Supplies	3,328.00
	Other Program Expenses	1952.00
		$33,760.00
ADMINISTRATIVE AND OVERHEAD		
	Portion of Executive/Program Director's Time	3,840.00
	Portion of Administrator's Time	1,152.00
	Office and Personnel Overhead Costs	5,064.00
		$10,056
TOTAL PROGRAM COSTS		**$43,816**

The staff is lean with a full-time Executive/Program Director and part-time Administrator/Development Assistant. A full-time Program Director was budgeted for this year, but due to the downturn, the position has not been filled.

.Arts-Kids received support from the following foundations for the current fiscal year, 2008-2009. Requests for 2009-2010 have been submitted to Qwest and the George S. and Dolores Doré Eccles Foundation and some revenue from the RAP is still available to begin the Fall 2009 program. Applications will be made at the time of their due dates for the rest. Though we have increased our proposal output, we expect that we will not see a substantive increase in foundation support from new sources for another 12 to18 months. The help of our faithful supporters is crucial at this time.

SOURCES OF INCOME

Program Year - July 2008 to June 2009

Frontier Bank	(Received)	1,000.00
U.S. Bank	(Received)	1,000.00
Park City Foundation	(Received)	5,000.00
Wishnick Foundation	(Received)	5,000.00
Qwest	(Received)	5,000.00
Staples Learning Foundation	(Received)	10,000.00
George S. & Dolores Dore Eccles Foundation	(Received)	13,000.00
Park City Municipal Corporation	(Received)	10,000.00
Summit County RAP Tax	(Received)	$26,423.00
TOTAL SOURCES		**$76,423.00**

(4) c. Summary of Criteria Met consistent with Public Service Contract

Criterion 1: As a 501©3 not-for- profit youth development program, the overarching goal is to compliment the academic and physical development of children and youth, served by schools and sports organizations, by nurturing the creative, emotional, spiritual part of the child while he/she is still in a developmental process. The result is a balanced, healthy developing individual. A second goal is to facilitate acceptance and empathy for people of all ethnicities and backgrounds, hence preparing the child to be a productive citizen in a global community (a requirement of Criterion 1). Arts-Kids has been measuring results through surveys of all participants-teachers, students, volunteers and facilitators as well as artists for several years. The individual behavior identified in the beginning of the group by teachers for each child is the most quantifiable objective, but the same set of behaviors have been measured over a period of six years through these surveys. Consistently positive change in these behaviors have been rated significantly above the mean across the board by all survey participants

Arts-Kids makes every effort to cooperate with all other activities in the schools as well as other organizations with similar missions in the community. As a member of ACT (Agencies Coming Together) Arts-Kids communicates regularly with such organizations as Big Brothers and Big Sisters, Boys and Girls Club and Holy Cross Ministries to ensure we work together to meet the needs of youth in Park City. The youth in clubs such as Kiwanis Key Club and Builders Clubs, Honor Society, Interact and the Environmental Club are regular volunteers in Arts-Kids groups.

Compliance reports have always met the deadlines set by the City.

Criterion 2: Program Need and Specific City Benefit

School counselors are usually the liaison between Arts-Kids staff and the school. They have been strong advocates for the program since the program began ten years ago in April 1999. Arts-Kids is the only after-school program with no cost to participants who come from all backgrounds and abilities. One of the elementary counselors reported that parents have expressed gratitude that Arts-Kids is available to their children during these hard economic times when they cannot afford some of the programs in which their children have participated in the past.

Evaluations and verbal reports have demonstrated that children make more friends and learn to relate across boundaries with their peers through their experience in Arts-Kids. By bringing the children together in diverse groups, parents are also brought together –thereby supporting a more cohesive larger community. Children who have difficulty adjusting in school in positive ways have improved in their behavior and school attendance as a result of attending Arts-Kids and Arts-Teens. The Middle School program has provided a place for less confidant youth to feel a sense of belonging and to support their increased involvement with other activities. Kids who are involved and have a place they belong are less likely to become involved in juvenile delinquency and substance abuse.

In addition to meeting the needs of youth and volunteers, the program provides income for local artists and facilitators. Most of the facilitators have been contracted for two to three years and a significant proportion of artists look forward to returning to the program each year.

Criterion 3: Fiscal Stability

Arts-Kids has evolved over ten years from one after-school group at McPolin to at least one after-school group in every elementary and middle school in the District as well as the rest of Summit County. The organization has maintained a focus on program and a very small administrative support staff. In addition to the PCMC Special Services Grant, we have consistently received funding from the RAP Tax grant, the George S. and Dolores Doré Eccles Foundation, and the Robert Wishnick Foundation. Qwest, Staples, Frontier Bank, Wells Fargo Bank, and US Bank are examples of corporations who have been or continue to be funders. Arts-Kids was one of nineteen recipients of funding from the Park City Foundation in 2008, its first year. This year over 40% more grants have been written than in the past. Individual donations have risen in the past two years, and this year despite the economy, parents and other community citizens are contributing, even if it may be a lesser amount.

The Board and staff operate from an annual budget and strategic plan, which is evaluated bi-annually. The Founder/ Executive Director received a certificate of completion from the Academy of Excellence in Nonprofit Management and Leadership at the University of Utah one year ago, which increased her skills and knowledge in nonprofit leadership. These skills have helped her lead more effectively, thereby raising the efficiency and quality of the Board and staff performance.

Criterion 4 Fair Market Value

The Service Contract has covered about a quarter of the budget needed for the Park City School District Program. Therefore, the value is considerably more than the compensation from the City.

Youth Contracts: As previously stated, Arts-Kids groups form a network of after-school groups throughout the District and involve students of all ages from 8 years on up. There is current consideration of providing a monthly Arts-Teens group next year at the High School for those students who choose to drop-in for connections and continuity of relationships. Current discussions are taking place with other youth organizations exploring possible ways to collaborate and work together to meet the needs of the community and especially, the youth of Park City.

(4) d. Quantitative and Qualitative Goals

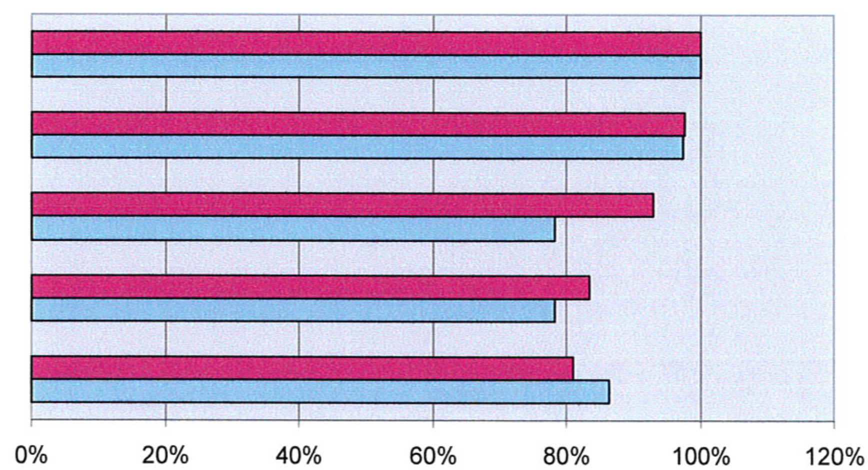
At the beginning of each 10-week session, teachers are asked to identify a behavior or skill for each child to improve upon. Following the 10-week program, surveys are collected from teachers, parents and the children at the end of each group. The latest evaluation statistics from fall 2008 provide compelling results as to the value of the Arts-Kids groups. One hundred percent of teachers and parents expressed overall satisfaction with the Arts-Kids program. Teachers noticed a marked improvement in attitude jumping from 77% in spring 2008 to 86% in fall of 2008.

A sampling of findings from past group evaluations provides additional illustration of the impact of the program. Teachers, parents and program participants expressed the following improvements:

- Higher sense of belonging and community
- Better communication of needs
- Improved behavior
- Better attitude towards school

The chart below illustrates that both parents and teachers see improvements in Arts-Kids participants.

Fall 2008 Parent and Teacher Survey Results



	Better Attitude	Improved Behavior	Better Communication	Sense of Community	Overall Satisfaction with A-K
Parents	81%	83%	93%	98%	100%
Teachers	86%	78%	78%	97%	100%

ARTS-KIDS, Inc.
Profit & Loss Budget Overview
July 2008 through June 2009

	Jul '08 - Jun 09
Ordinary Income/Expense	
Income	
4000 · Private Contributions Income	
4050 · Corporation Contribution	30,000.00
4060 · Foundations Contribution	60,000.00
4070 · Individual Contribution	40,000.00
Total 4000 · Private Contributions Income	130,000.00
4100 · Public Contributions Income	
4150 · City Contribution	10,000.00
4160 · County Contribution	30,000.00
Total 4100 · Public Contributions Income	40,000.00
4200 · Summer Camps	
Kids Camp-scholarship	1,500.00
4220 · Kids Camp	4,000.00
4230 · Youth Camp	2,000.00
Total 4200 · Summer Camps	7,500.00
4300 · Event Income	
4301 · Corporate Sponsorship	7,500.00
4302 · Individual Sponsorship	15,000.00
4303 · Admission	3,500.00
4304 · Auction	20,000.00
4305 · Donations	1,000.00
Total 4300 · Event Income	47,000.00
4500 · Sales Tax Refund	170.00
Total Income	224,670.00
Expense	
6100 · Office Expenses	
6110 · Dues & Subscriptions	500.00
6120 · Licenses and Permits	608.00
6130 · Postage	6,000.00
6140 · Printing	2,400.00
6150 · Training & Education	800.00
Total 6100 · Office Expenses	10,308.00
6200 · Insurance	3,700.00
6300 · Banking & Credit Card Fees	
6310 · Credit Card Fees	300.00
Total 6300 · Banking & Credit Card Fees	300.00
6400 · Office Rent, Maint. & Utilities	
6420 · Utilities	1,200.00
6430 · Rent, Office	9,000.00
6440 · Maintenance & Repairs	150.00
Total 6400 · Office Rent, Maint. & Utilities	10,350.00

ARTS-KIDS, Inc.
Profit & Loss Budget Overview
July 2008 through June 2009

	Jul '08 - Jun 09
6500 · Telephone & Internet	
6510 · Telephone	2,200.00
6520 · Internet	660.00
Total 6500 · Telephone & Internet	2,860.00
6600 · Office Equip & Repairs	
6610 · Computer Services	500.00
6620 · Office Equipment	2,000.00
Total 6600 · Office Equip & Repairs	2,500.00
6700 · Travel & Entertainment	
6720 · Meals	500.00
6740 · Mileage Reimbursement	2,000.00
Total 6700 · Travel & Entertainment	2,500.00
6800 · Office Supplies	800.00
6900 · Advertising & Marketing	1,000.00
7000 · Payroll Expenses	
7005 · Payroll Taxes	8,500.00
7040 · Program Director	27,000.00
7060 · Executive Director	40,000.00
7070 · Administrator and Development A	18,000.00
7090 · Employee Benefits	3,100.00
Total 7000 · Payroll Expenses	96,600.00
7100 · Professional Services	
7110 · Accountant	3,000.00
7120 · Bookkeeper	840.00
7140 · Grantwriter	11,450.00
Total 7100 · Professional Services	15,290.00
7700 · Program Expenses	
7705 · Supplies	3,200.00
7710 · Program Artist	18,500.00
7730 · Program Facilitator	26,000.00
7740 · Background Checks	350.00
7750 · Volunteer Training	250.00
7760 · Gifts	350.00
7770 · Field Trips	2,000.00
7780 · Camp	3,500.00
Total 7700 · Program Expenses	54,150.00
7900 · Fundraising	
7901 · Event Expenses	
7905 · Food/Beverages	3,500.00
7910 · Decorations	300.00
7920 · Rent Equipment	1,200.00
7925 · Postage	860.00

ARTS-KIDS, Inc.
Profit & Loss Budget Overview
July 2008 through June 2009

	Jul '08 - Jun 09
7930 · Invitations	650.00
7935 · Advertising	500.00
7940 · Supplies	400.00
7945 · Copies	150.00
7950 · Permits/Licenses/Insurance	1,100.00
7970 · Contract Services	7,050.00
7995 · Facility	1,200.00
Total 7901 · Event Expenses	16,910.00
Total 7900 · Fundraising	16,910.00
Total Expense	217,268.00
Net Ordinary Income	7,402.00
Other Income/Expense	
Other Income	
8100 · In-Kind Donations	
8120 · Program Space	9,600.00
8130 · PCMR Camp Space	3,000.00
Total 8100 · In-Kind Donations	12,600.00
Total Other Income	12,600.00
Other Expense	
9100 · z-In Kind	
9120 · Z-In-kind Program Space	-9,600.00
9140 · Z-In Kind Paint The Town	-3,000.00
Total 9100 · z-In Kind	-12,600.00
Total Other Expense	-12,600.00
Net Other Income	25,200.00
Net Income	**32,602.00**

Attachment C

Special Services Contract Application From Park City Municipal Corporation

(1) Organization Contact Information

Name: Norwegian Outdoor Exploration Center
Address: PO Box 4036 Park City, UT 84060
Phone: (435) 649-5322
E-mail: tom@thenoec.org

(2) Applicable Special Service Contract category for this proposal:

Youth Programming

(3) Proposed Total (two-year) Contract Amount:

$20,000

Signed: [signature] Date: 1 July 2009

I. Background of NOEC

The mission of the NOEC is to "**Help Children Find Balance in Life through Nature**." The NOEC is a non-profit 501(c)(3) outdoor educational organization devoted to interfacing the youth of our community with the natural environment in a positive and inspiring way. NOEC allows participants to experience physical, intellectual, emotional, social and spiritual uplift and development through direct contact with Nature.

Our programs are designed to share *Friluftsliv,* a traditional Norwegian way of life that reflects "**The simple, unselfish life in Nature**." It is the practice of de-emphasizing stress and competition, and enjoying the "natural highs" that Nature and life provide. It is a relaxed and simple way of life, understanding that all life has value and that we need to treat everything and everyone with respect.

NOEC mentors share natural history and the principles of stewardship of the environment while teaching and enjoying various outdoor activities such as hiking, cross-country skiing, snow-shoeing, rock climbing, and more. The natural sciences and native crafts are shared as well, developing an appreciation for the presence and necessity of diversity in Nature and society.

II. Special Services Funding Usage

The requested funds will be used to continue to deliver unsurpassed youth Nature experiences to Park City school children, age 9 through 18. Programs run daily, typically from 9am to 2pm, giving students the opportunity to learn and grow in an outdoor classroom.

III. Public Service Fund Distribution Compliance

NOEC's programs meet all of the public service contract criteria.

Criterion 1: Accountability and Sustainability

a. Quantifiable Goals and objectives

NOEC seeks to serve every child in the Park City school system, ideally several times through their school careers. This objective is budget limited; NOEC mentors hosted over 1,200 children in the 2008-2009 school year.

With a fully-loaded cost of $100 per student per outing, the funding request will directly and measurably allow NOEC to host 100 students per year.

b. Non-discrimination in providing programs or services

NOEC participants are selected by their school counselor for a specific purpose (e.g., at-risk youth) or are part of a grade-wide program. Therefore, the school administrators ensure diverse student populations are included in NOEC programs.

c. Cooperation with existing related programs

NOEC is in the early stages of developing partnerships with two pillars of the Park City community. We have moved our offices to the Swaner EcoCenter and have begun to define a formal collaboration with their Board of Directors to develop joint programs, particularly offering NOEC participants access to Swaner's facilities and open-space.

NOEC has also begun a series of dialogs with Arts-Kids to find opportunities for programming and administrative collaboration.

d. Federally recognized not-for-profit status

NOEC is a registered 501(c)(3) organization. See appendix for a copy of the IRS certification.

Criterion 2: Program Need and Specific City Benefit

a. Public benefit and direct provision of services to City residents

NOEC's programs are highly relevant given the frenetic pace of our Western industrialized world and our society's materialistic tendencies, particularly in a resort community. Park City students gain a respect for Nature and all things in it, usually creating a desire to experience more of the outdoor lifestyle benefits Park City offers. This is powerful counter-programming to the overwhelming electronic stimuli to which our children are subjected.

b. Demonstrated need

NOEC's programs are regularly scheduled and on-going within the school system. We have extraordinary support for continuation, and even expansion, from all school counselors. With the tendency for many children to have overly busy schedules, the exposure to *Friluftsliv*, "**The simple, unselfish life in Nature**," is well received by students and parents. Additionally, our programs offer experiences to a diverse population of Park City students, including ESL participants.

Criterion 3: Financial Stability and Other Financial Support

a. Fund usage and accounting

NOEC incurs costs of $100 per student per outing. The requested funds will be used to benefit Park City students. As we also provide services to students at other Summit County schools (the majority within the Park City School District), the Park City students hosted will be identified, tracked and reported as required under the City's Public Service Contract Policy.

b. Other funding sources

NOEC receives the vast majority of its funding in donations from local residents. This is the strongest possible recognition of the value of NOEC's programs within our community. We also receive contributions from the United Way and Summit County RAP Tax.

c. Financial plan

NOEC is in the process of restructuring our chart of accounts to a more standard not-for-profit structure. We are also transitioning from a calendar fiscal year to one that better matches our programming (and school year) cycles. These efforts will permit more accurate budgeting and reporting.

NOEC also has expanded its Board of Trustees to include more community representation and bring additional skills to actively support our mission. As a small organization, with low employee count and overhead, this supplement of talent brings additional financial and managerial discipline to our operations.

Please see Section VI for details.

d. History of financial competency

NOEC has dedicated itself to helping Park City and Summit County-area children for 29 uninterrupted years. NOEC works closely with the CPA firm of James Druffner which has provided quality accounting and tax services to Park City businesses since 1988.

Criterion 4: Fair Market Value of Services

The fair market value of the services NOEC will provide exceed the total amount of compensation requested from the City.

IV. Youth Contract Compliance

NOEC's programs meet all of the additional requirements for Youth Contracts.

Criterion 1: Service to Youth Programs in Park City

NOEC's programs serve school children exclusively. We work with every school in the Park City system.

Criterion 2: Benefit to Park City Youth and Community Interests

By collaborating directly with each school counselor, we ensure that our program is specifically tuned to the varying needs within each school, as determined by the people that know their students best. Therefore, our Park City school program is customized to the interests and needs of the community.

V. Emergency Request

Like many organizations, both for-profit and not-for-profit, NOEC is increasingly threatened in the current economic climate. NOEC believes these trying times offer the opportunity for all organizations and government entries to come together in the spirit of cooperation to best serve our communities and each other.

Criterion 1: *Unexpected Fiscal Need*

The drop in funding from the Summit County RAP Tax was unforeseen and has had a direct negative impact on our current year's budget. Additionally, our fundraising responses are proving insufficient to maintain our programs.

Criterion 2: *Exhaustion of Other Sources*

NOEC has engaged in aggressive cost-cutting during the first half of 2009 to address these unexpected financial needs. We have reduced our mentor costs by 50% through the use of more volunteers. We hosted a second annual fundraiser, 1st Annual Children's Community Art Show & Sale, in early June. Still, we find ourselves with only $10,000 remaining on our $40,000 line of credit with Zions Bank. This is grossly insufficient to support our continuing programs through the end of the year, and our Winter Fundraiser which accounts for over 50 percent of our funding.

VI. Financial Information

As noted in Section III, NOEC is in the process of restructuring our account categories and moving to new fiscal year. Therefore, the most current financial results are for the calendar year ending 12/31/2008.

Norwegian Outdoor Exploration Center

Profit & Loss

January through December 2008

Income	
Ordinary Income	
Public support and donations	86,807
Grants	63,146
Yurt rental	3,780
Total Ordinary Income	153,733
Other Income	
Sales tax refund	446
Total Income	154,179
Gross Profit	154,179
Expense	
Field Operations	
Auto fuel, repair & maintenance	9,737
Supplies & equipment	1,127
Permits	2,908
Food	933
Labor, wages & contract	94,171
Payroll taxes	4,552
Total Field Operations	113,428
Administrative	
Insurance	22,505
Utilities	4,906
Office supplies/repair	1,445
Rent	12,000
Professional services	8,117
Advertising	783
Banking	1,133
Fundraising	22,275
Interest expense	1,191
Meetings, memberships	825
Total Administrative	75,180
Total Expense	188,608
Net Income	(34,429)

VII. Appendix

501(c)(3) Designation

Internal Revenue Service

Department of the Treasury

P. O. Box 2508
Cincinnati, OH. 45201

Date: August 3, 2000

Person to Contact:
Patty Dennis (31-01994)
TE/GE Customer Service Rep.
Toll Free Telephone Number:
8:00 a.m. to 9:30 p.m. EST
877-829-5500
Fax Number:
513-263-3756
Federal Identification Number:
87-0422308

Norwegian Outdoor Exploration Center
P.O. Box 4036
Park City, UT 84060

Dear Sir or Madam:

This letter is in response to the minutes to your organization's meeting held on May 28, 1999, at which you voted to change your name from Norwegian School of Nature Life to the name shown above. We have updated our records to reflect this change.

Our records indicate that a determination letter issued in June 1987 granted your organization exemption from federal income tax under section 501(c)(3) of the Internal Revenue Code. That letter is still in effect.

Based on information subsequently submitted, we classified your organization as one that is not a private foundation within the meaning of section 509(a) of the Code because it is an organization described in section 509(a)(2).

This classification was based on the assumption that your organization's operations would continue as stated in the application. If your organization's sources of support, or its character, method of operations, or purposes have changed, please let us know so we can consider the effect of the change on the exempt status and foundation status of your organization.

Your organization is required to file Form 990, Return of Organization Exempt from Income Tax, only if its gross receipts each year are normally more than $25,000. If a return is required, it must be filed by the 15th day of the fifth month after the end of the organization's annual accounting period. The law imposes a penalty of $20 a day, up to a maximum of $10,000, when a return is filed late, unless there is reasonable cause for the delay.

All exempt organizations (unless specifically excluded) are liable for taxes under the Federal Insurance Contributions Act (social security taxes) on remuneration of $100 or more paid to each employee during a calendar year. Your organization is not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Organizations that are not private foundations are not subject to the excise taxes under Chapter 42 of the Code. However, these organizations are not automatically exempt from other federal excise taxes.

Donors may deduct contributions to your organization as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to your organization or for its use are deductible for federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

Norwegian Outdoor Exploration Center
87-0422308

Your organization is not required to file federal income tax returns unless it is subject to the tax on unrelated business income under section 511 of the Code. If your organization is subject to this tax, it must file an income tax return on the Form 990-T, Exempt Organization Business Income Tax Return. In this letter, we are not determining whether any of your organization's present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

The law requires you to make your organization's annual return available for public inspection without charge for three years after the due date of the return. You are also required to make available for public inspection a copy of your organization's exemption application, any supporting documents and the exemption letter to any individual who requests such documents in person or in writing. You can charge only a reasonable fee for reproduction and actual postage costs for the copied materials. The law does not require you to provide copies of public inspection documents that are widely available, such as by posting them on the Internet (World Wide Web). You may be liable for a penalty of $20 a day for each day you do not make these documents available for public inspection (up to a maximum of $10,000 in the case of an annual return).

Because this letter could help resolve any questions about your organization's exempt status and foundation status, you should keep it with the organization's permanent records.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

This letter affirms your organization's exempt status.

Sincerely,

John E. Ricketts

John E. Ricketts, Director, TE/GE
Customer Account Services

Attachment D

PARK CITY 1884

Special Service Contract Application Form (extraordinary requests)

Park City Municipal Corporation

Please provide ten (**5**) copies of this application and all other requested information to the Budget, Debt, and Grants Office by **5:00 pm on November 2, 2009.**

(1) Organization Contact Information

Name Abby McNulty

Address P.O. Box 684422

Park City, UT 84068

Phone 435-615-0235 Fax

E-mail amcnulty@pcschools.us

(2) Indicate the applicable Special Service Contract category for this proposal:

- ☒ Youth Programming
- ☐ Arts
- ☐ Recycling
- ☐ Information and Tourist Services
- ☐ Victim Advocacy Services
- ☐ Affordable Housing
- ☐ History/Heritage
- ☐ Health

(3) Proposed Total (two-year*) Contract Amount: $ 20,000

(4) In addition to the above requested information, please provide the following:

- Specific detail of how the requested funds will be used;
- Financial information for your organization including annual budget and other sources of potential funding;
- Summary of how your proposal meets the criteria described in the City's Public Service Contract Policy; and
- Quantitative and/or qualitative goals (with specific targets) that can be used to measure the degree to which the funds were used for their intended purpose.

Signed: [signature] **Date:** 10.29.09

*Please include total contract amount of time remaining in two year budget cycle. All Special Service Contracts will end at the end of the two year budget cycle (June 30, 2011) regardless of the date initially granted.

It's all about the children

PARK CITY
EDUCATION FOUNDATION

Special Service Contract Application
November 2, 2009

THE 8TH PERIOD DAY
AN AFTER SCHOOL PROGRAM AT MCPOLIN ELEMENTARY

REQUEST

The Park City Education Foundation (PCEF) requests an additional $20,000 to accommodate the growing number of children in Park City who need afterschool care and instruction. Increased demand in the *8th Period Day* can be attributed to both the success of the program as well as the recent closure of the Boys and Girls Club. For families, this program is their only afterschool option. Added funding will be used to increase the size of the program by hiring at least two additional staff members, expand volunteer recruitment and training opportunities and develop a parent engagement program.

PROGRAM DETAILS

The 8th Period Day takes place after school 3 days each week for 2 hours and is lead by 4 certified teachers and one program coordinator. The *8th Period Day* is unique in that it is a partnership with the school and is taught by certified teachers who provide an important link between afterschool mentoring and the classroom.

Participating students in grades K through 5 are rotated through three components each day: a homework club, a concentrated area of academic study in math and/ or reading, and an enrichment activity. The three elements combine to give students help with classroom assignments, additional learning opportunities, English language learning opportunities, and the chance to build self esteem through non-academic activities. Students also develop computer skills, often beyond their peers, by using computer-based reading and math programs.

The *8th Period Day* develops the whole child – promoting success and opening doors to lifelong achievement. The program has a nominal fee of $10 per student per trimester and is open to all children, kindergarten through 5th grade. Beyond academic intervention, the program creates a safe place for kids go after school and surrounds them with positive role models. To maintain the quality of the program, with current staffing levels, no more than 65 students can enroll.

Extending the school day allows students to learn the curriculum more completely. This is particularly true among English Language Learners who need more time to grasp concepts in their non-native tongue and in the process their English is improved significantly.

PROGRAM OUTCOMES

The primary goal of the program is to give students additional time to acquire reading and math skills. Secondary goals include: improve English language abilities of ELL students, encourage a thirst for learning, surround participants with positive role models, and boost a student's self esteem in class by helping them with homework. The program will be assessed on two levels: academic achievement and student engagement. Academic achievement will be through test scores including student achievement on the Dynamic Indicators of Early Literacy test (DIBELS) and state core tests in language arts and math. Student engagement is measured with student attendance and surveys to parents, teachers, and kids. These measurements were tracked last year and below are the highlights:

- ELL students participating in the program out-performed ELL students not participating in the program on the state core tests in language arts and math. Moreover, program participants closely reflected the overall test results for the school.
- In the fall to winter comparison of DIBELS test scores, in all grades except Kindergarten, ELL students in the afterschool program grew their test scores faster than their ELL classmates. The most dramatic difference came in the 3rd grade where ELL program participants attained 90% of the winter target as compared to non-participants only attaining 45% of the target, on average.
- Teachers noted a positive correlation among students in the program with academic achievement. They also indicated that students demonstrated increased self esteem and greater classroom participation.
- Eighty-seven percent of program participants thought it helped them make better grades in school and gave them a more positive attitude toward school.
- Ninety-four percent of parents, whose students enrolled in the program, reported that their children were making better grades and had improved reading and computer skills.

MEETING THE CITY'S PUBLIC SERVICE CONTRACT CRITERIA

Statistics show that children are most vulnerable during what experts call the "high-risk time" after the final school bell rings and before a parent gets home from work. Providing secure and engaging environments for students during this period is crucial to keeping them on track and out of trouble. According to a National Institute of Out-of-School Time report, children who attend high quality afterschool programs have better conflict resolution skills, emotional adjustment, peer relations, grades and conduct in school compared to their peers not enrolled in afterschool programs.

McPolin Elementary School educates Park City's neediest students. Fifty percent of the student body qualifying for free and reduced lunch and nearly 60% are English language learners. Of these students, many have dual working parents so are in need of a safe after school option and most do not have access to computers or homework help at home.

After school programs provide a unique service to our community – they curb drop-out rates, increase public safety, help working families, keep young people safe, and allow kids to develop the skills they need to thrive as adults in our community. Moreover, every dollar spent on afterschool programs yields a return of $8 in benefits to program recipients and the community as a whole (The Costs and Benefits of After School Programs: The Estimated Effects of the After School Education and Safety Program Act of 2002).

Annual Program Budget Updated (11.02.09)

Salaries/ Wages	$34,300
Contract Services	$7,150
Office Space	$0
Equipment/ Supplies	$4,280
Marketing	$1000
Snacks	$1000
Parent Education	$1,000
Volunteer Training and Coordination	$1,500
Total:	**$52,030 Annually**

Attachment E

Special Service Contract Application Form (extraordinary requests)

Park City Municipal Corporation

Please provide ten (5) copies of this application and all other requested information to the Budget, Debt, and Grants Office by **5:00 pm on November 2, 2009.**

(1) Organization Contact Information

Name Community Wireless of Park City - KPCW Radio

Address PO Box 1372

Park City, UT 84060

Phone 435-649-9004 xt314 Fax 435-645-9063

E-mail dchambers@kpcw.org

(2) Indicate the applicable Special Service Contract category for this proposal:

☐ Youth Programming ☐ Victim Advocacy Services

☐ Arts ☐ Affordable Housing

☐ Recycling ☐ History/Heritage

X Information and Tourist Services ☐ Health

(3) Proposed Total (two-year*) Contract Amount: $20,000

(4) In addition to the above requested information, please provide the following:

- Specific detail of how the requested funds will be used;
- Financial information for your organization including annual budget and other sources of potential funding;
- Summary of how your proposal meets the criteria described in the City's Public Service Contract Policy; and
- Quantitative and/or qualitative goals (with specific targets) that can be used to measure the degree to which the funds were used for their intended purpose.

Signed: David K Chambers **Date:** 10.30.2009

*Please include total contract amount of time remaining in two year budget cycle. All Special Service Contracts will end at the end of the two year budget cycle (June 30, 2011) regardless of the date initially granted.

SPECIAL SERVICE CONTRACT
EXTRAORDIARY REQUEST APPLICATION – KPCW 91.9 FM

A. Specific detail of how the requested funds will be used.

Funds will be used to produce and broadcast Public Service Announcements (PSA) for non-profit organizations in the Park City area. These PSAs will inform tourists and the general public of special events, cultural activities and social service opportunities taking place in the Park City area. Each year over 29,000 PSAs are read live on-air informing the public about such things as weather and road conditions, ski resort conditions, cross-country ski wax recommendations, lost and found, roommates wanted, performing arts events, trail conditions, health advisories, and school closures.

B. Financial information for your organization including annual budget and other sources of potential funding.

KPCW's 2009-10 budget is $1.1 million with 53% income derived from corporate underwriting, 27% from individual contributions and 20% from government grants.

C. Summary of how your proposal meets the criteria described in the City's Public Service Contract.

Criterion 1 – Accountability:

Established in 1980, Community Wireless of Park City, a.k.a. KPCW is a not for profit 501 (c)(3) corporation. Its mission is to be a quality source of local news, public affairs information and music.

It is the established policy of KPCW to offer equal access opportunity in providing programs and services in accordance with applicable law.

Criterion 2 – Program Need:

Citizens and tourists need information to enhance their experience of living and visiting Park City. Be it skiing conditions, the opening night of a performance or notice of a service club meeting, KPCW offers current information through public service announcements and interview programs for the benefit of our community.

Criterion 3 – Fiscal Stability

KPCW uses all public funding in a prudent manner, pursuing its mission of providing its community with a mix of local information, news and music. It conducts an annual audit and files a Federal Form 990 each year. Now approaching 30 years old, KPCW has established numerous sources of financial support from corporations, foundations, government and individuals.

Criterion 4 – Fair Market Value

The fair market value of one non-profit public service announcement read live on-air is $15. KPCW broadcasts approximately 5 PSAs per hour, 16 hours per day, 365 days per year for a total of 29,200 PSAs annually. At $15 per broadcast the total value is $438,000 annually.

D. Quantitative and/or qualitative goals (with specific targets) that can be used to measure the degree to which funds were used for their intended purpose.

The goal of KPCW's service is to provide cultural and civic activity information daily to Park City residents and tourists.

Measurement will consist of tracking the number of interviews with directors of non-profits, artists and civic leaders and the number of Public Service Announcements for non-profit organizations that are produced and aired on KPCW.

E. Extraordinary request

KPCW is making this extraordinary request due to an unexpected shortfall in revenues. Since January 1, KPCW has seen over $20,000 in losses due to cancelled contracts or companies going out-of-business. The station has over $24,000 in payments due over 90 days and over $5,000 due from two non-profit arts groups that may not be able to pay.

Attachment F

PARK CITY
1884

Special Service Contract Application Form (extraordinary requests)

Park City Municipal Corporation

Please provide ten **(5)** copies of this application and all other requested information to the Budget, Debt, and Grants Office by **5:00 pm on November 2, 2009.**

(1) Organization Contact Information

Name MOUNTAIN FELLOWSHIP

Address 1670 BONANZA SUITE 104 MAILING: PO 980962 PC UT 84098

PARK CITY, UT 84060

Phone (435) 640-2245 Fax (435) 649-9219

E-mail BUBBATIRE BUILDER@DISHMAIL.NET

(2) Indicate the applicable Special Service Contract category for this proposal:

- ☐ Youth Programming
- ☐ Arts
- ☐ Recycling
- ☐ Information and Tourist Services
- ☐ Victim Advocacy Services
- ☐ Affordable Housing
- ☐ History/Heritage
- ☑ Health

(3) Proposed Total (two-year*) Contract Amount: $ 10,000

(4) In addition to the above requested information, please provide the following:

- Specific detail of how the requested funds will be used;
- Financial information for your organization including annual budget and other sources of potential funding;
- Summary of how your proposal meets the criteria described in the City's Public Service Contract Policy; and
- Quantitative and/or qualitative goals (with specific targets) that can be used to measure the degree to which the funds were used for their intended purpose.

Signed: Scott W. Smith **Date:** 11/18/09

*Please include total contract amount of time remaining in two year budget cycle. All Special Service Contracts will end at the end of the two year budget cycle (June 30, 2011) regardless of the date initially granted.

Mountain Fellowship
P.O. Box 980962
Park City, UT 84098
(435) 640-2245
fax (435) 649-9219
Bubbathebuilder@dishmail.net

Financial information of project

Our 501-C3 is submitted through the guidance of our accountant Peter Wood.

Tax Id from our incorporation is 271145864

Rough overview. We will raise $2,000,000 from community resources to fund our 4,500 sq. ft. hall in the PC family Health Building being built at Quinn's Junction. We are forming our fundraising committee and have a substantial leading gift and a strong list of potential donors. Due to the anonymous nature of our program and our traditions I am not at liberty to reveal these names.

Property Costs finished $1.7 M. This will be raised in the next year. Monthly operations including a full time employee $5,000 per month. Membership Fees and meeting donations will bring in roughly $3,000 per month. We'll have an annual fundraiser as well.

Mountain Fellowship
P.O. Box 980962
Park City, UT 84098
(435) 640-2245
fax (435) 649-9219
Bubbathebuilder@dishmail.net

Specific Detail of how the requested funds will be used.

Simply put we are requesting start up funds for our Capital project. Including:

Architectural Design
Fundraising Consulting
Model Building
Accounting and legal fees

Mountain Fellowship
P.O. Box 980962
Park City, UT 84098
(435) 640-2245
fax (435) 649-9219
Bubbathebuilder@dishmail.net

Summary of criteria met and goals to be measured:

Please see case for giving which should suffice. Also, the Foundation can provide receipts and evidence that your funds were used appropriately and with integrity.

Enclosed CASE FOR GIVING

Mountain Fellowship

CASE FOR GIVING

P.O. Box 980962
Park City, UT 84098
435 640-2245 ph 435 649-9219 fx
Bubbathebuilder@dishmail.net

Mountain Fellowship will provide a permanent and safe meeting place for all persons who desire recovery from alcoholism and addiction. The time has come, and our community is in need. Twelve step programs are the single most effective way to attain long term sobriety. According to recent statistics our county treats 11% of those who need help. All twelve step programs such as Alcoholics Anonymous, Alanon, Narcotics Anonymous, etc. will be welcomed here. We anticipate the building to be a two story structure with 5000 to 6000 square feet of usable space. Our location is not yet been determined. The Hispanic community will be using our facility as well. We will have between 100 to 150 persons per day to our facility and this number will grow as time goes on. Your donation will make a great impact on many lives.

Mountain Fellowship will add to the health of our community. Our programs will treat the mental, emotional, and spiritual maladies of alcoholism and addiction. Everyone knows someone afflicted by these problems, and now we will have a central resource. Families who suffer will find new hope. The Foundation will provide meeting spaces, a 24 hour hot line, an outreach program, a gathering place, and a recovery library which will all be managed by a full time employee. Perhaps, we'll see a decline in DUI's and domestic violence cases. The community will have an educational resource, and our visitors will find refuge here.

Mountain Fellowship will solve several problems we have now. Though several meetings may still use our existing spaces, our two primary meeting places, St. Luke's on Park Ave. and The Senior Center on Woodside, will not be available in the near future. The new meeting center will eliminate parking issues in old town and will keep our meetings from being moved during Sundance.
In addition, our justice system, hospitals, clinics, clergy folk, social service professionals, police department, and local businesses can easily refer those who desire help to Mountain Fellowship.
Furthermore, the hall is designed to serve the needs of our coming generations

Please help our vision become a reality.

Mountain Fellowship

City Council
Staff Report

Author: Matt Twombly
Subject: Racquet Club Remodel Design Presentation
Date: December 3, 2009
Type of Item: Informational

Summary Recommendation –
Review the proposed design for the Racquet Club Remodel Project and provide input to staff.

Topic: Racquet Club Remodel Design

Background:
At the May 7, 2009 meeting Council discussed the phasing plan and budget for the Racquet Club Remodel project. The Council direction from the meeting was to proceed with the Racquet Club Remodel project as one project (replace the tennis building). However after the bids are received in late winter/early spring, Council could determine a level of assurance, based on sales tax revenues, to proceed with the construction of the project or not.

Since the budget adoption, the design team of staff, the architect and members of RAB have been working on the programming and design. In order to proceed with the Master Plan Development (MPD) process the design team has prepared plans to a Design Development level. One of the items of concern raised during the budget hearings was the square footage of the fitness area. The feasibility study identified between 4000 – 6000 square feet. The current design allocates 5,200 square feet which is consistent with the study. Staff recently met with the owner of the Silver Mountain Sports Club and although he is generally supportive, he continues to be concerned with the impact the Racquet Club will have on his business.

In addition to the overall budget, phasing, and financing, staff also discussed several issues with Council including: Sustainable strategies, the master plan for future phases, public art and other budgetary considerations to the project. Staff also discussed returning with a plan for relocation, programming and staffing during the construction. Staff will return at a subsequent meeting to discuss the budget in more detail.

Analysis:
The Planning Commission reviewed the Pre-Master Plan Development (MPD) application and site planning on October 28, 2009. The Planning Commission found the project consistent with the General Plan. On November 11, 2009 the Planning Commission reviewed the Master Plan Development (MPD) for the project. The Master Plan Development (MPD) is the process in which the Planning Commission reviews larger developments for reviewing height, setbacks, open space, architecture, site design and other considerations. VCBO presented the design and the Planning

Commission gave comment, generally about Height, Open Space, visual analysis of building, façade lengths, and future build-out. The public comment at the Pre-MPD focused mainly on the height although there were additional comments regarding Sundance impacts and Little Kate construction impacts.

The Racquet Club Remodel MPD is scheduled on December 9, 2009 for Planning Commission review, public hearing and possible action. All of the issues raised in the previous meetings will be addressed for this Planning Commission meeting. Any construction or event impacts will be addressed through the Construction Mitigation Plan with the contractor or with the event organizer through their services agreement with the City.

The Planning Commission had recommended that the design team gather additional public input outside of the Planning Commission meetings, so staff has scheduled a public open house on December 2, 2009 at 4:30PM to present the current design and programming to the public and patrons. Staff has scheduled this presentation to Council to get the "owners" opinion of the design prior to the next Planning Commission meeting. As soon as the MPD is approved, the Design Team can proceed with the Construction Drawings, budgeting, Building Dept. review and bidding process. Staff is currently planning to get through the process and receive bids in March of 2010 as scheduled.

Staff would like Council to review the plans and give input on the following items:

1.) Is Council supportive with the design ("the look") of the exterior of the building?

2.) Does Council feel comfortable with the programmed space and desired amenities on the interior of the building (i.e. running track, bouldering, game room, fitness space, administrative offices)?

3.) Are there any concerns with the site layout, parking and circulation, or the layout for the future phase elements?

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

Alternatives:
A. The presentation is informational and does not require Council action. Staff requests Council review the information and provide comment to staff.

Significant Impacts:
Upon approval of the MPD the design team will proceed with the construction documents for the project. Staff will provide additional updates to Council as the project progresses.

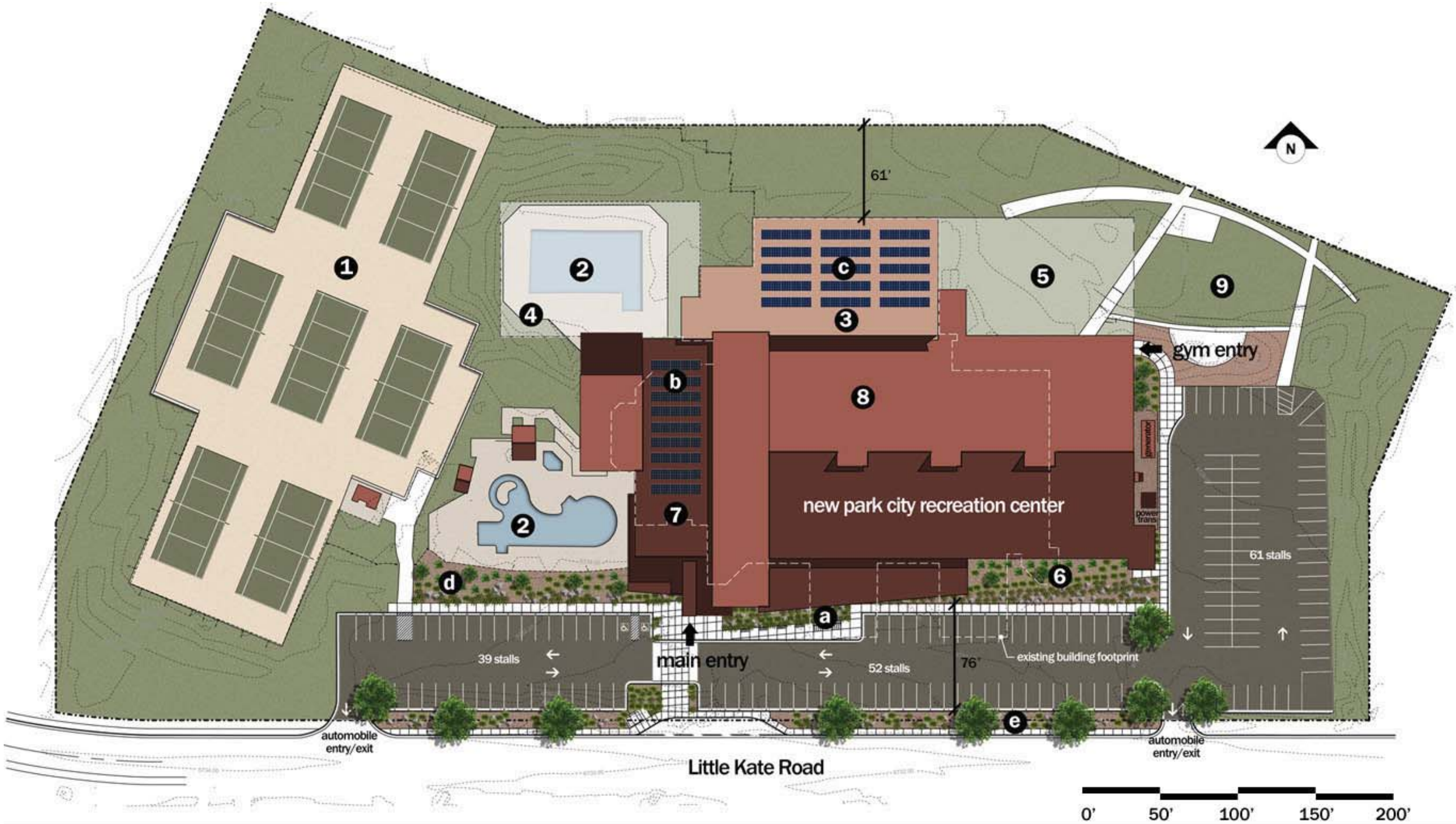
Staff Recommendations:
Review the proposed design for the Racquet Club Remodel Project and provide input to staff.

Attachments: Site Plan, Layout, Elevations. More material will be presented at the meeting.

VCBO ARCHITECTURE

Site Plan

11.19.09



1 existing tennis courts
2 existing pool
3 existing gymansium
4 future natatorium

5 future multi-purpose gymnasium
6 future restaurant
7 2-story fitness, recreation & lockers
8 tennis building (4 courts w/ running track)
9 existing park

a bike racks
b solar hot water panels
c solar panels
d water-wise landscaping
e native grass and boulder landscaping

VCBO ARCHITECTURE

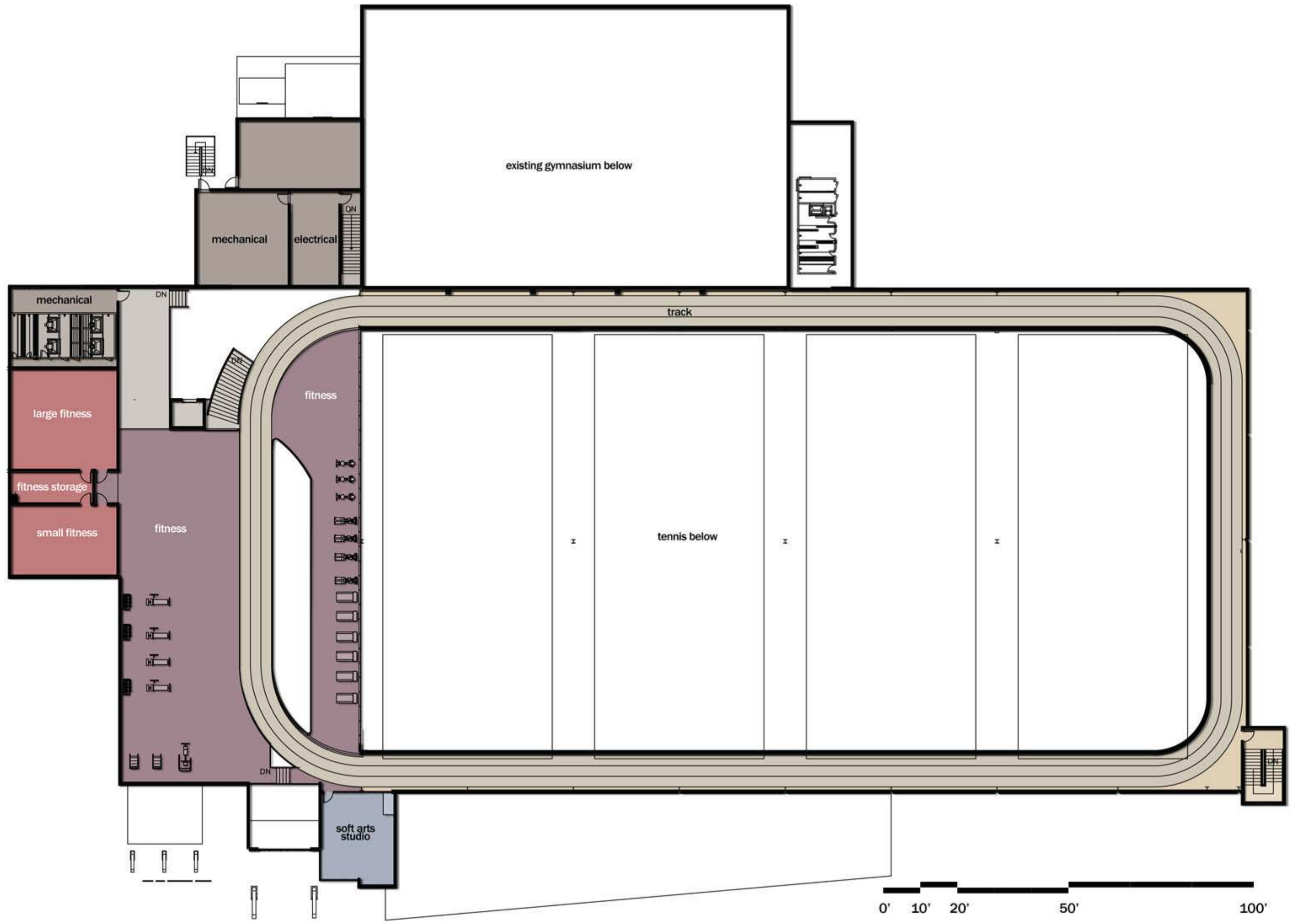
Main Level

11.19.09

VCBO
ARCHITECTURE

Upper Level

11.19.09

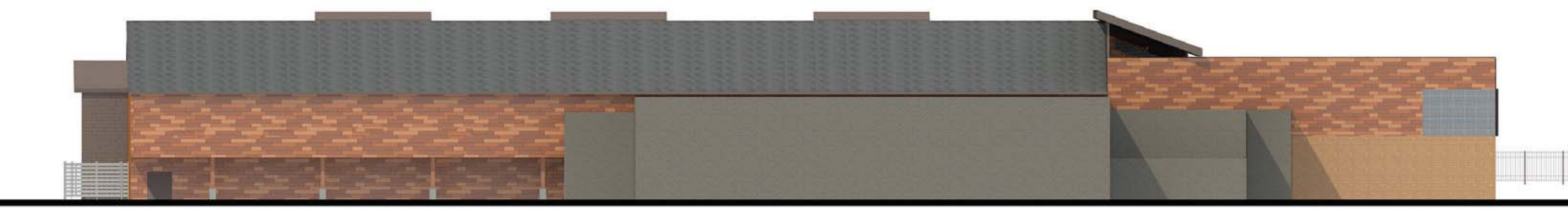


VCBO ARCHITECTURE

Building Elevations

11.19.09

South Elevation



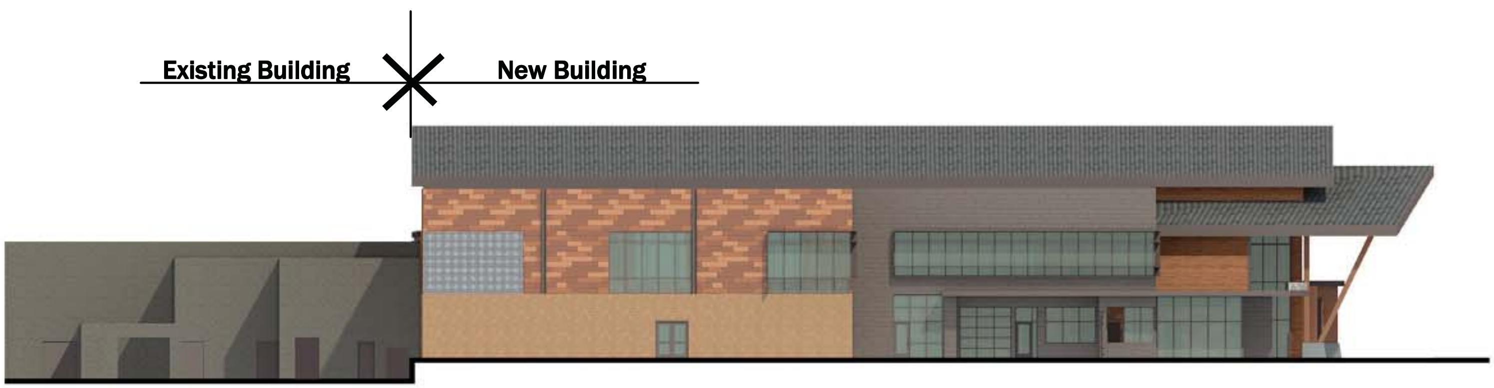
North Elevation

VCBO ARCHITECTURE

Building Elevations

11.19.09

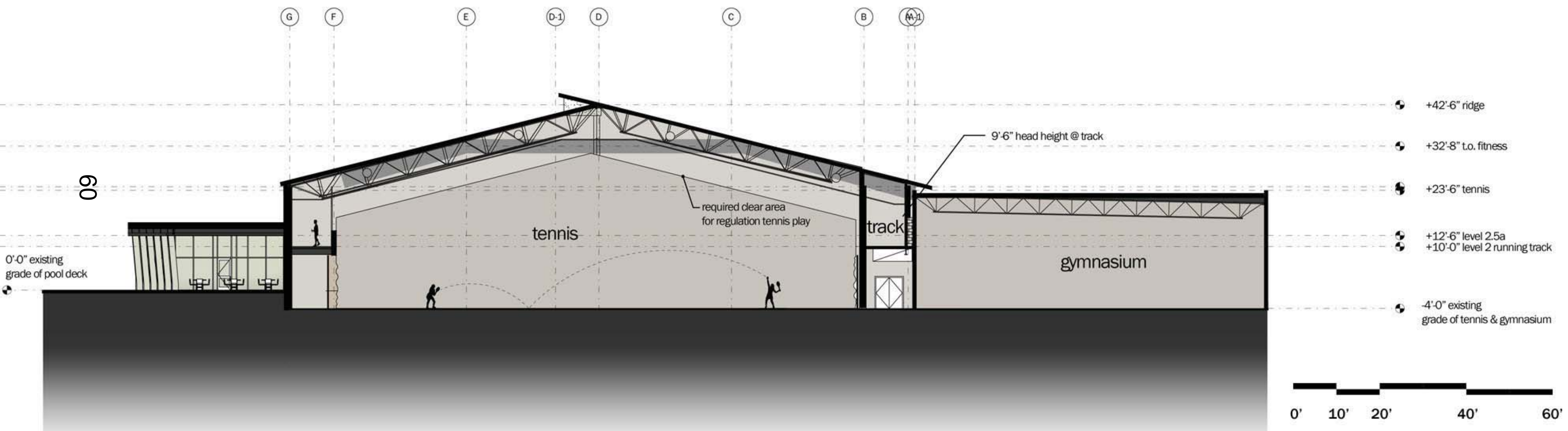
East Elevation



West Elevation

Building Section

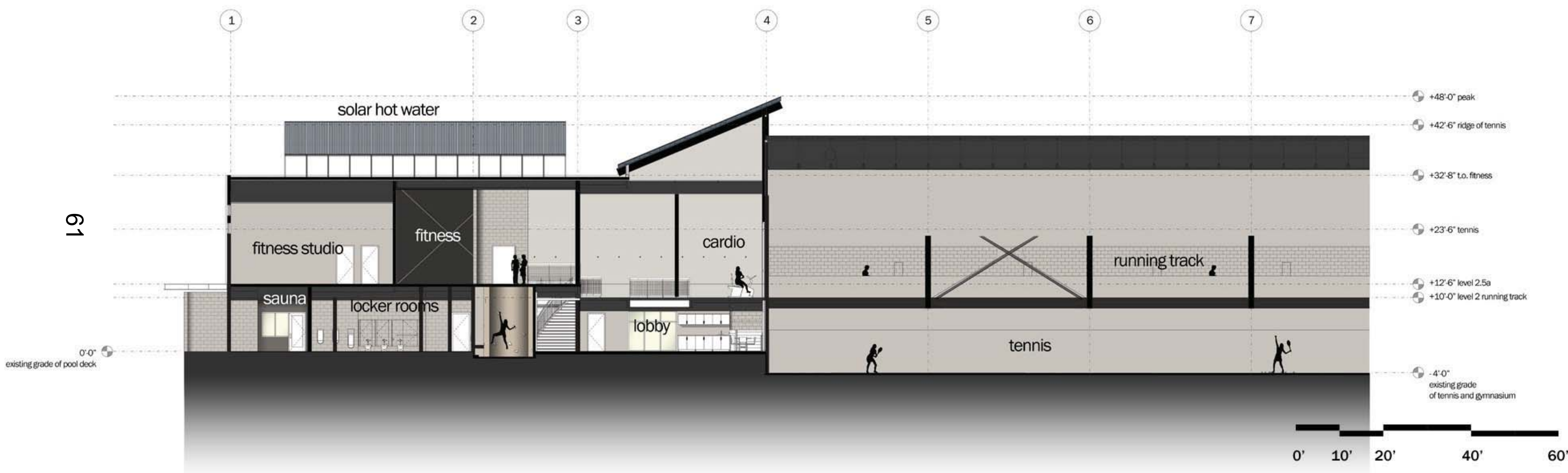
11.19.09



VCBO
ARCHITECTURE

Building Section

11.19.09



VCBO ARCHITECTURE

City Council Staff Report

Subject: Comstock Sidewalk
Author: Heinrich Deters, Trails Coordinator
Date: December 3, 2009
Type of Item: Informational

Recommendation
Reaffirm direction to construct a sidewalk on the east side of Comstock Drive, consistent with WALC committee recommendations.

Background
On May 22nd, 2008 as part of the FY 2009 budget approval Council directed staff to defer the initial $540,000 sidewalk project on the east side of Comstock Drive and consider an incremental approach. Specifically Council directed staff to remove parking on the east side of the street and provide a 5' at grade pedestrian facility (edge stripe) adjacent to the bike lane. Furthermore, Staff was directed to review the project for a year and return to Council with an assessment of the projects success.

In February of 2009, pursuant to the adopted WALC recommendations, the City entered into a contract with Fehr & Peers Transportation Consultants to perform a study of existing conditions and provide professional recommendations on traffic calming measures at the identified locations. The project scope required the consultants to evaluate the interim 5', striped, at grade pedestrian facility and make a professional and technical recommendation of the construction of a sidewalk at the location.

On April 21, 2009, a public Open House was held to review preliminary findings of the Fehr and Peer's Traffic Calming Study and to provide a forum for public input on possible traffic calming measures. Approximately fifty people attended the meeting. They were provided an opportunity to vote for specific recommendations, as well as, provide written comments on the projects.

At the June 18, 2009 City Council meeting, staff and the consultants recommended measures for Comstock included several traffic calming devices in addition to a sidewalk on the east side of Comstock Dr. Council approved all recommended measures presented in the June 18th Staff report including a 5' sidewalk on the east side of Comstock, two center medians, two raised crosswalks, sharrow markings (shared use of bike and travel lanes) and signage. Since the meeting, Council received additional input from a resident opposed to the sidewalk, who was not individually notified of the June 18 meeting. Council directed staff to return with further discussion specific to the sidewalk.

On October 1, 2009, Council and staff provided an additional opportunity for public comment on the proposed sidewalk for Comstock. Based upon the input, Council asked staff to return with additional information on the following items of the project:

1. Confirmation that a pedestrian facility fits within the existing pavement section throughout the entire span of Comstock drive.

2. An estimate of cost associated with widening the intersection of Kearns Boulevard and Comstock drive, to allow an at grade pedestrian zone similar to that existing along much of the corridor.
3. Improvements to the existing bus stop on Comstock.

On October 28, 2009, staff held a public open house for the underpass at Comstock drive and Kearns Boulevard. In addition to providing information on the underpass, staff provided an opportunity for the public to see some conceptual drawings and cross sections of a few options for the proposed sidewalk along Comstock drive, and how the sidewalk and tunnel projects would dovetail. Approximately 30 residents participated in the event and provided feedback. Staff has provided a compilation of the comments. (Exhibit A)

Analysis

Alliance Engineering completed a survey of Comstock Drive and Horrocks Engineers addressed the concerns raised at the October 1, 2009 City Council meeting. Also, at the public meeting on October 28, 2009, Kyle Jesson who introduced the issue of widening the intersection of Comstock drive at Kearns Boulevard clarified that the issue was not to widen the intersection for another turn lane, but rather widen the intersection to continue the painted pedestrian lane to the crossing at the intersection. An approximate cost estimate is provided below under: *2. Estimate of cost associated with widening the intersection of Kearns Boulevard and Comstock drive.*

1. Confirmation that a pedestrian facility fits within the existing pavement section throughout the entire span of Comstock drive.

Option A illustrates a proposed cross section that can be built with little or no impact outside of the existing pavement prism. It includes the following components:

I. A section of existing pavement that may be used for a pedestrian facility. This section varies from eleven to eight feet in width. Staff recommends implementing as wide as possible pedestrian facility within this section.
II. Two11' travel lanes and a narrowing of current travel corridor to help reduce speeds
III. Parking is maintained on the west side of the street
IV. Traffic calming islands & crosswalks at Ina and Little Bessie may be included in the design.

There may be some minor impacts to the landscaping within the City right of way, at the intersection of Comstock and Kearns and to minor work on driveways to have them tie in to the sidewalk per City specifications.

Option B illustrates the addition of 3'-4' bike lanes along each side of Comstock Drive, as well as a 5' sidewalk on the east side. This option would require the use of approximately 3'-6' of pavement, outside the existing roadway but within the City's right-of-way for the first 200 feet or 3 houses south of the Kearns intersection. Additionally there may be 1'-2' of pavement outside the existing roadway beyond the curb and gutter along the remainder of Comstock within the ROW.

Staff recommends Option A, due to the fact that it can be constructed within the existing pavement area. Additionally, it allows for the possibility to construct a pedestrian facility in excess of 5' wide, which would provide an excellent option for the existing user group of small children and families walking and biking to school, as well as, providing a strong connection to and from the rail trail.

Should Council provide specific direction to proceed with the design of the project illustrated in Option A (not using additional right of way), Staff will continue to work internally on the design and engineering of the project details. Staff will return to Council for approval of a design contract for engineering services.

<u>2. Estimate of cost associated with widening the intersection of Kearns Boulevard and Comstock drive</u>

The cost would be minor, less than $50,000 where the painted turn and travel lanes may be shifted. These alterations may be funded out of the WALC Comstock project.. Any curb reconstruction at this location for the sidewalk will also be minimal in combination with the tunnel and the sidewalk project costs*. Cost is dependent on whether a bike lane is included in this pavement section configuration.*

<u>3. Improvements to the existing transit stop on Comstock.</u>

Improvements proposed include hard surfacing of an area that may double as a sidewalk or path as well as the bus stop, adding a bus pull out lane or adding a shelter at the location. The current bus stop is in front of a vacant lot. To provide a shelter, a pull out lane, and maintain a sidewalk then additional Right of Way (landscape area currently undeveloped) will need to be used. Upon reaffirmation to proceed with the sidewalk, the construction staff and the design team can then determine if a bus shelter and pull out lane are necessary and how they might be integrated into the project.

<u>Significant Impacts</u>
WALC – This project is consistent with approved WALC recommendations. Regional and Neighborhood connectivity along with safety represent 3 of the 5 overriding goals of the Walkability Study. The construction of the sidewalk on Comstock Drive is a vital link in the overall pedestrian and biking connectivity in town and a designated Safe Route to School route. The WALC Committee identified and recommended this specific location as part of the "Spine" concept for a higher level of service and included high priority projects such as the underpass at the Comstock and SR-248 intersection and traffic calming improvements in the area. Also identified by WALC is the construction of a sidewalk from Comstock to Gold Dust Lane which in connection with the Comstock sidewalk will complete the pedestrian connection through Prospector.

Right-of-way - The construction of the sidewalk will be, with potential minor exceptions, within the existing pavement section, thus minimal and temporary landscape and driveway impacts are anticipated. Parking on the east side of the street is currently prohibited, so there will be no additional parking impact.

Budget - There is currently $540,000 budgeted out of the $15 Million WALC bond. The allotted $540,000 includes funding for a sidewalk and the recrowning of the roadway and drainage improvements. A further $400,000 is budgeted for traffic calming on Comstock Drive. There is $400,000 budgeted for the sidewalk along the South side of Sidewinder from Comstock to Gold Dust and other traffic calming improvements in the area.

Annual O&M - Estimates for the Comstock sidewalk include $4,356 in basic maintenance, in addition to $1,680 for signs and painted crosswalks. Annual O&M for the existing at-grade pedestrian zone is approximately $500. These maintenance costs do not include maintenance for any bulb-outs or landscape strips. The cost for maintenance will need to be prioritized in the Fiscal Year 2011 Budget with other requests.

In May of 2008, Council confirmed direction to provide snow removal service for new sidewalks on major neighborhood corridors, which include Comstock Drive and Little Kate Road. Future snow removal of all WALC proposed sidewalks are lumped into one budget option. The costs are $67,045 annually which includes a dedicated sidewalk plow, depreciation of machine, staffing 5 days a week and two snow hauls. The addition of plowing services on Comstock will be prioritized as an option in the FY 2011 budget with other options.

Alternatives:

A. **Approve the request, and reaffirm direction to proceed with the Comstock Sidewalk Project.**
B. Modify the request: Council could choose to modify current Council direction.
C. Deny the request: Council could choose to not continue with the project at this time.
D. Continue the Item: Council may feel there is not enough information to make a decision, and have staff return with more information.
E. Do Nothing: Same effect as continuance.

Departmental Review

This report has been reviewed by the Sustainability Team, Public Works Departments (streets, parks, and transit), City Engineer, Police, and City Manager.

Staff Recommendations:

Direct staff to proceed with current Council direction to construct a sidewalk on the east side of Comstock Drive.

Attachments:

Exhibit A - October 28 Open House comments
Exhibit B -Comstock Drive illustrated sections

Exhibit A

Park City: SR-248 Tunnel at Comstock and Comstock Drive

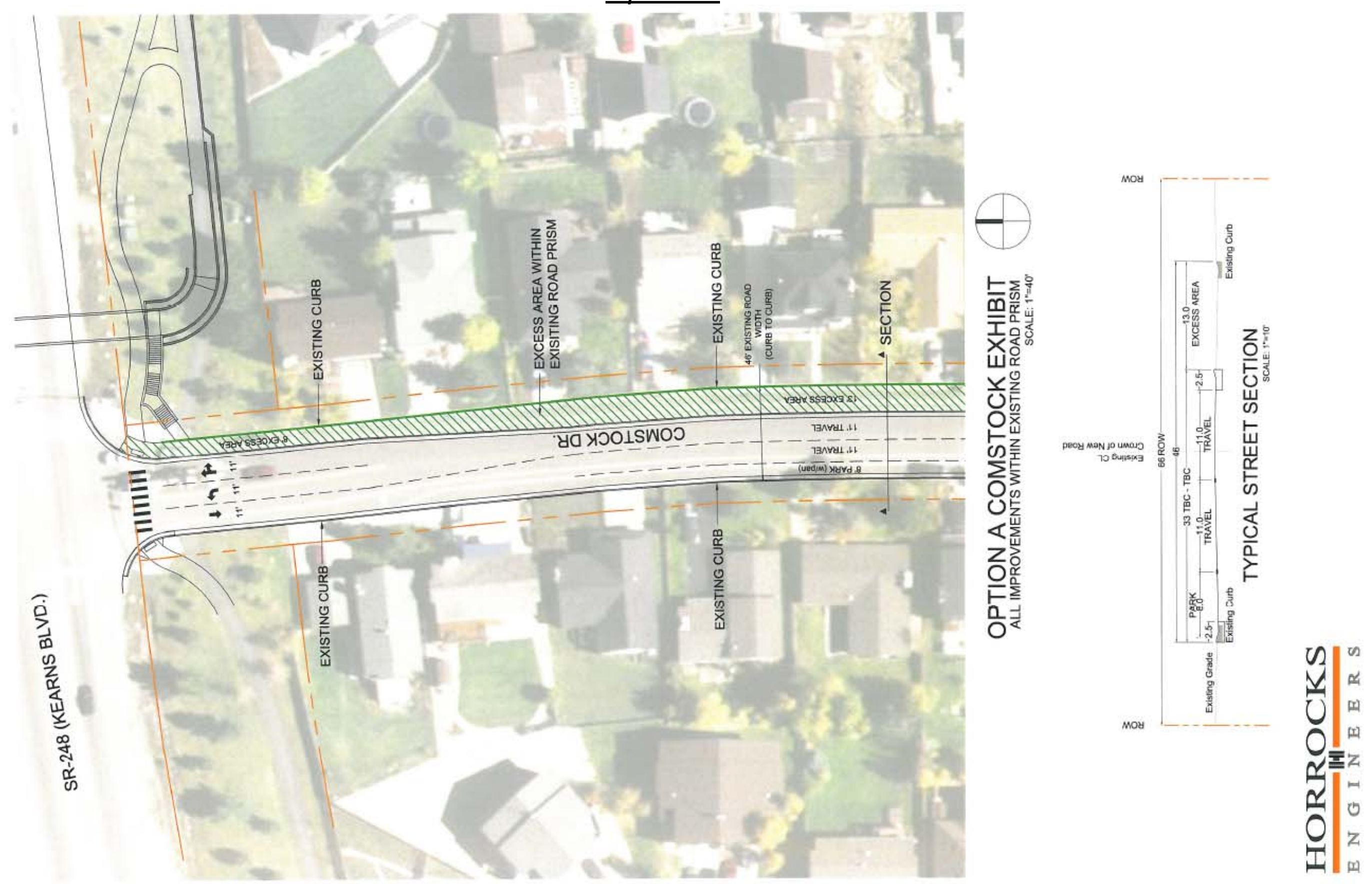
Open House Comments

Name	Address	Comments
Dirk Spangenberg	2660 Butch Cassidy Ct. Park City, Utah 84060	I am in favor of the tunnel under S.R. 248 comstock. It should alleviate traffic congestion and will be safer for students. I am also in favor of a sidewalk along Sidewinder. A real, elevated sidewalk is essential for this neighborhood. There are a lot of kids, dogs, pedestrians. We need to make our town more walkable. Thanks.
Pete and Peg Martin	2189 Comstock Park City, Utah 84060	We would much prefer option 2. The "green" section in Option 1 seems impractical (who would want to care for it) and a waste of funds. Please consider limiting truck traffic on Comstock.
Shirin Spangenberg	2660 Butch Cassidy Ct. Park City, Utah 84060	We need a sidewalk on Comstock, but we shouldn't take any existing driveways. I love the mick up of the tunnels.
Alex Butunski	23 Ashley Ct. Park City, Utah 84060	Tunnel and landscape plans are functional as well as aesthetically pleasing. I question whether widening Comstock to 3 Northbound lanes (left, straight, right) is warranted. Parking ? @ Little Bessie & Ina are perfect defining elements for parking definition.
Rob Lea	2256 ? Park City, Utah 84060	I like the stone and landscaping around the tunnel. I believe its worth the additional $$. An industrial concrete look would promote graffiti and inappropriate behavior. Lots of light in the tunnel!! Need to have discussion about video surveillance . Needed?? Who would be watching??
Jody Woods	2684 Annie Oakley Dr. Park City, Utah 84060	Get rid of paths that lead to intersection (existing crosswalk) at 248. Make people have to go to tunnel or on Comstock make one wider mixed use path to bike and or walk. Please do no take anyone's yard on Comstock- the road is wide enough. It will take walkers and bikers off road and we won't need a bike lane. More locations of stairs on Prospector side of tunnel-they are too close to tunnel entrance. Reposition stairs on school side to head towards north 40 (not to learning center as they are pictured)

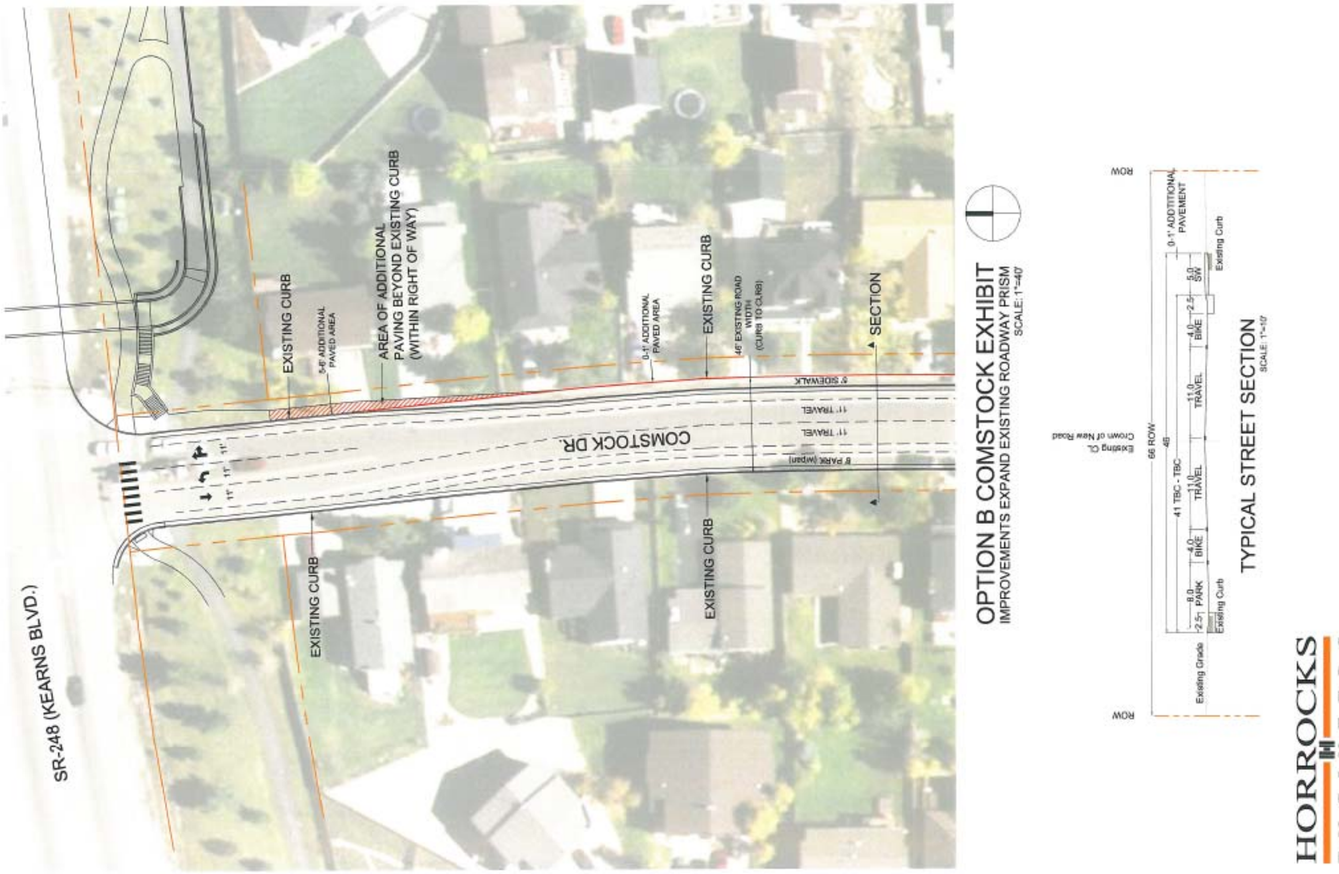
Shannon ONeal	2604 Annie Oakley Park City, Utah 84060	I think the City, WALC, & and planning consultants have done a nice job of ensuring affected homeowners are minimally impacted (i.e. keeping new footprint approx in existing one.) I think bike lanes are very important going forward. So are sidewalks , of course. Perhaps we could have a "mixed-use" path that accomdates both cyclists and pedestrians. The tunnel work looks like a good solution-realistic, compromising, effective. Perhaps the School District could further improve McPolin foot and bike traffic by adopting what we call "Greta's Way", a bike loop behind the school to parking. On a related note-I think we should REDUCE parking at the High School to encourage students to abandon their cars.
Holly Flanders	2424 Doc Holiday Dr. Park City, Utah 84060	Sidewalk is good idea-but don't take 6' of peoples yards away. Don't make the road too wide-cars will just go faster. Sidewalk on one side, parking on the other(west)
Kimberly & Jeff Kuehn	2167 Little Bessie Park City, Utah 84060	Please 1 side of a sidewalk on Comstock!! Thank you. Luv the tunnel on Kearns Blvd!
Cynthia Sandoval	2880 Cochise Ct. Park City, Utah 84060	Sidewalks are a safety issue for members of the community be it children or adults. The traffic is an increasing problem that will continue to be a problem any measure to help that a tunnel or preferably a bridge like the new main street bridge for the ski lift.
Marsha Klarberg	2211 Comstock Dr. Park City, Utah 84060	How about no parking or no overnight parking on either side of the street- or limit on time for guests. As it is now, cars, vans, etc. are parked for months on end for storage. Love the planning on both options and the pedestrian tunnel.
Carolyn Frankenburg	Park City, Utah	No parking on Comstock at all overnight. Sidewalk on Comstock is a must in order to connect our streets/schools/neighborhoods for walking. Landscapng grade on tunnel entrances could be more gentle to make it feel more open. It is time to partner with the LDS Church/UDOT/City to build a tunnel under Kearns by Seminary Xing. The stop sign on Monitor and Little Kate works-how about a 4 way stop on Comstock to calm speeds.
Kim Sobel	2244 Comstock Dr. Park City, Utah 84060	No parking on street on either side of Comstock Dr. No sidewalk is needed.
Carol Potter	P.O. Box 362 Park City, Utah 84060	Wonderful-Heinrich is doing a great job

Tom Oliver	2269 Little Bessie Ave. Park City, Utah 84660	1. East side of Comstock will not lose property, landscaping etc. 2. East side of Comstock already lost parking last year. 3. If city plows the sidewalk, what's the problem? I like the traffic ? Ideas

<u>Exhibit B</u>
<u>Option A</u>



Option B


SR-248 (KEARNS BLVD.)
EXISTING CURB
5-6' ADDITIONAL PAVED AREA
AREA OF ADDITIONAL PAVING BEYOND EXISTING CURB (WITHIN RIGHT OF WAY)
0-1' ADDITIONAL PAVED AREA
EXISTING CURB
46' EXISTING ROAD WIDTH (CURB TO CURB)
SECTION
COMSTOCK DR.
EXISTING CURB
EXISTING CURB
OPTION B COMSTOCK EXHIBIT
IMPROVEMENTS EXPAND EXISTING ROADWAY PRISM
TYPICAL STREET SECTION
HORROCKS
ENGINEERS

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UT
NOVEMBER 12, 2009

Present: **Mayor Dana Williams; Council members, Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson**

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Kent Cashel, Transportation Manager; and Phyllis Robinson, Public Affairs Director

Craig Elliott, Architect and Patrick Moffat, The Boyer Company

1. Council questions/comments. Roger Harlan reported on Mountainlands Community Housing Trust business. Mayor Williams congratulated Salt Lake City and the LDS Church for supporting an anti-discrimination ordinance on housing and employment. He asked that the City also consider this; there is a policy in place internally for the City organization. The Mayor acknowledged the observance of Veterans Day.

2. Quarterly goal update. The Mayor guided the discussion item by item and there were no significant changes to the quarterly status report.

3. Seasonal housing – expanded transit center. Kent Cashel explained that on July 16, 2009, Council directed staff to accomplish three tasks relating to seasonal employee housing on the site: (1) work with the Sustainability Team to develop an appropriate design, (2) secure and architectural firm to design and engineer the building, and (3) complete the above to allow for construction bidding. The concept design allows housing for up to 24 seasonal employees on two to three floors with six 200 to 250 square foot private rooms on each floor. Rooms are configured to accommodate single or double occupancy and include a private bathroom and a compact kitchen. Communal space is provided on each floor. He explained that the staff report contains information on different designs. Construction of six rooms would total about $285,000 while 18 rooms would cost approximately $940,500. He emphasized that there is no federal money available for this project and it is not recommended to begin the grant process over to include the housing element. Mr. Cashel asked for Council direction on issuing a RFP.

Mr. Cashel stated that the City received a proposal from the Christian Center. Phyllis Robison explained that the Christian Center recently acquired a ten-year lease with an option to purchase property on Deer Valley Drive. The Center is interested in developing a seasonal housing project to meet the needs of out-of-country workers and is looking to expand on the Public Works lot, although it doesn't necessarily need to be at this location. Council will be reviewing the use of City-owned properties in the lower Park Avenue RDA on December 10. She pointed out that two years ago, Council was not interested in pursuing a seasonal housing project within that location but since that time the City has acquired additional properties in the area and the Christian Center has expressed an interest in partnering with the construction of seasonal housing. Discussion ensued on leasing vacant units on a broader basis. Ms. Robinson emphasized the Christian Center's goal to operate seasonal housing that will meet their needs and financially pencil. In response to a question from Liza Simpson, Mr. Cashel believed that 24 employees is a number that will meet average future needs.

Jim Hier pointed out that one of the reasons this housing was contemplated was to create a project that bus drivers could walk to work from and should it be opened up to other employees, additional space for parking may be needed. The site probably doesn't allow for that and he felt the housing should not be actively offered to other personnel. The building size is fine but maybe it should be engineered to add another floor if needed in the future. Architect Craig Elliott explained that the design is three floors of living space; no parking. Ms. Simpson agreed that the space should not be offered to others. There was discussion of increased costs of managing and maintaining the facility and Mr. Cashel pointed out that the housing will significantly decrease recruitment costs which will offset other costs. Ms. Erickson suggested having the property managed under the Housing Authority in the event there are specific funding opportunities and was open to providing beds to other employees. Liza Simpson spoke about using the housing for transitional or short-term occupancy. Jim Hier discussed master-planning the lower Park Avenue area which could address this property, pointing out that the project is walking distance from Park City Mountain Resort.

Joe Kernan expressed that if the lower Park Avenue master plan contemplates seasonal housing, requests for proposals could proceed which would be open to anyone including the Christian Center. The Mayor pointed out that PCMR has a housing requirement for 80 beds associated with the future parking lot development. Candace Erickson noted that she is hesitant to use City property to satisfy the needs of other organizations but is open to considering partnerships. Liza Simpson pointed out that in the past the City has agreed to provide low interest loans to assist others in constructing affordable housing and is willing to consider something like this for the Christian Center for its own building. Council members indicated support of considering this site as a part of the lower Park Avenue master plan.

Kent Cashel explained that the design of the expanded transit center can accommodate the housing concept and suggested that the design of the housing be delayed until funding strategies are formulated. Liza Simpson agreed and stated that she would prefer to know costs in advance. Jim Hier commented that adding another construction project in the entryway will complicate the transit center project further. More storage space will be available as well if the housing element is postponed. Members agreed to phase the projects and to wait on the design of the housing.

4. Purchase and co-tenancy agreements with Boyer. Tom Bakaly stated that the City has been working for over five years on the annexation of approximately 200 acres located at Quinns Junction known as the Park City Heights Project. The City recently purchased 40 acres included in the annexation from Talisker. He explained that consideration of the purchase agreement with The Boyer Company is scheduled on the regular agenda tonight which is associated with the land. Partnership elements are addressed in the co-tenancy agreement which is scheduled for action next week. Mr. Bakaly stated that the recommendation to approve the purchase agreement is to accomplish several goals including more control in determining density for this entryway project and better integration of affordable housing in the overall PC Heights Project. If the Council approves the purchase agreement, the closing will occur on November 20. Liza Simpson suggested a wording change in the co-tenancy agreement regarding the description of the development plan on the plat which members supported.

Mark Harrington reiterated that the purchase agreement is about the land which provides an option for a mutually agreeable development partnership in the future. The co-tenancy agreement provides that if agreement is not reached on the development plan by both parties within two years, the City would become sole owner of the property. He explained that the City's interest is affordable housing and the developer is focused on the market rate units based upon the pending site plan which was approved by the City Council. Any plan moving away from the residential concept would have to be mutually agreed upon. Mr. Harrington stated that although the framework is new, the concept isn't and he named several projects as examples. He hoped this is a win-win situation and a model project, especially during a tough economic time and again the City would become the sole owner if agreement is not reached on the development plan.

In response to a question from Jim Hier, Ms. Robinson estimated that about 90 to 95 affordable housing units (or about up to148 AUEs) are associated with the property. Patrick Moffat, The Boyer Company, stated that Boyer has been involved in a number of public/private partnerships with government. By way of example, he cited a business depot project in Ogden, military housing at Hill Air Force Base, and a Veterans Clinic in Texas and offered to provide more information to the City about these ventures. A financial report on The Boyer Company can also be provided for public review.

Prepared by Janet M. Scott

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
NOVEMBER 12, 2009

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, November 12, 2009. Members in attendance were Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Francisco Astorga, Planner; and Katie Cattan, Planner.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

1. Condolences to Hill Family - Mayor Williams extended his condolences to former employee Gary Hill who lost his15 month daughter in a tragic accident last weekend.

2. Wireless service in Marsac Building - Liza Simpson stated that she has received many requests about the City providing wireless internet service to the public in the Marsac Building.

3. Council disclosure - Joe Kernan disclosed that Talisker is among his recycling customers.

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

Environmental considerations – Planning Commissioner Charlie Wintzer urged Council to consider an update to the Land Management Code and General Plan to include environmental goals and requirements.

IV NEW BUSINESS *(New items with presentations and/or anticipated detailed discussions)*

1. Consideration of Ordinance – 1150 Deer Valley Drive, Snow Country – The Mayor opened the public hearing and with no comments from the audience, requested a continuance to December 3, 2009. Roger Harlan, "I so move". Liza Simpson seconded. Motion unanimously carried to approve.

2. Consideration of Resolution of the Board of Canvassers accepting the canvass of the Municipal General Election held on November 3, 2009 – Liza Simpson, "I move to approve the Resolution of the Board of Canvassers accepting the canvass of the Municipal General Election held on November 3, 2009". Joe Kernan seconded. Motion carried unanimously to approve.

3. Consideration of Ordinance approving the 515 Main Street Plat Amendment, located at 515 Main Street, Park City, Utah – Planner Francisco Astorga explained that

this property is located in the HCB District, the Historic District review has taken place, and the applicant has received an administrative conditional use permit for outdoor dining. Liza Simpson expressed her confusion over the resulting three non-compliant rear lots and Mr. Astorga explained that a notice of interest will be recorded on each lot indicating that they do not comply with the minimum lot size of the HR-2 District. An owner can combine two lots to obtain more square footage to meet the minimum lot size or apply for a variance through the Board of Adjustment but individual lots are short by several hundred square feet. The Mayor opened the public hearing; there was no public input. Liza Simpson, "I move that we approve the Ordinance for the 515 Main Street Plat Amendment". Joe Kernan seconded. Motion unanimously carried.

4. Consideration of Ordinance approving the Matthes Condominium Plat, located at 1110 Empire Avenue, Park City, Utah – Francisco Astorga noted that this property is located in the HR-1 District and explained that the owner has received a variance, plat amendment extension, conditional use permit, Historic District design review, and now a condominium record of survey approval is requested. This is an approved duplex which has not been built and the Planning Commission forwards a positive recommendation. The Mayor opened the public hearing and no public input was rendered. Jim Hier, "I move we approve the Ordinance approving the Matthes Condominium Plat located at 1110 Empire Avenue". Liza Simpson seconded. Motion unanimously carried.

5. Consideration of an Amendment to the State Legislative Consulting Agreement with DLS Consulting Inc. – Tom Bakaly explained that staff is recommending amending the contract by extending the term for another year beginning in January. The lobbyist will deal with Air Force, MIDA, water, transportation, and potentially School District issues. The contract amount is $80,000 which will be funded through the Water Fund, Transit Fund and the General Fund and the lobbyist will network with the new Assistant City Manager. The City Manager understood that the School District is precluded from hiring lobbyists and utilizing this resource for the District is a Council decision. The Mayor invited public input; there was none. Joe Kernan, "I move to approve this amendment to extend our lobbying services". Roger Harlan seconded. Motion to approve carried unanimously.

6. Consideration of a Purchase and Sale Agreement with Boyer Company for a 50% interest in approximately 200 acres of property known as Park City Heights, in the amount of $5.5 million – Tom Bakaly referred to his work session comments, adding that Park City Heights is a very important piece of land in the City's entry corridor and the City Council and staff have been working with The Boyer Company for five years on the annexation. Staff believes the purchase price of $5.5 million is a fair price based on an appraisal.

He stated that there is significant public interest in approving the purchase agreement relating to the Council's stated goals of protecting the entry corridor and providing and integrating affordable housing, specifically detached single family units. Other potential benefits may be reduced density. The annexation is compliant with the Community Transition Zone which calls for 200 market units and affordable housing units. He explained that a co-tenancy agreement will be proposed for action next week which will detail partnership terms. If The Boyer Company does not accept the development plan within two years, there is provision in the co-tenancy agreement that would call for the City to purchase Boyer's share for an additional $5.5 million plus 5% interest. Jim Hier pointed out another benefit being fulfilling the IHC affordable housing requirement by incorporating it into this project as opposed to constructing a stand-alone project by the hospital. The Mayor invited public input.

Mike Sweeney, developer, asked the amount of the appraisal and Tom Bakaly advised that the high end was $12.5 million and the low was $9 million. Mr. Sweeney asked what the City's on-going *holding* costs will be during the two year period of time and the City Manager explained that The Boyer Company, as the developer, has performed a variety of studies over a five year period. As part of the purchase, the City will have the benefit of the work performed on this project which will act as a baseline and conducting future analyses will be coordinated with Boyer. Mr. Bakaly clarified that 200 units is the density for the entire project.

Tom Fey, Park Meadows resident, understood that the City is not buying 50% of the land but 50% of the project and argued that 70% open space is not a given because the City has a partner. Dana Williams emphasized that the project has to have 70% open space and out of the 200 acres, there are roughly 140 acres of open space with development planned on the remaining 60 acres. Jim Hier interjected that first of all, there is no project yet. The City is buying 50% of the land, not 50% of the project. The project has to go through a MPD process before the Planning Commission and that has yet to be accomplished. The action tonight is acquiring a 50% interest in 200 acres, not a project. There is no project other than what is described in the annexation agreement as a baseline to begin to develop a project. Mr. Fey suggested that the Council again review the price. No one is buying raw dirt now. There are 1,351 homes and 440 empty lots in the area for sale currently and year-to-date there have been 44 lots and 550 homes sold in the greater Park City area. There is no market for a 200 unit development plus affordable housing. Tom Fey questioned whether $5.5 or $11 million of taxpayers' money should be committed. It should be used to pay down existing bond debt and he urged members to vote against this. If this is approved, he encouraged members to renegotiate the price. This is a big enough project for more public scrutiny and much more analysis before a decision is reached.

John Stafsholt, resident, commented the Mayor and Council members. Many years of negotiation went into this deal because of the size of the development on Park City's back doorstep. Acquiring the 40 acres from Talisker was a great step forward which made this opportunity possible. This is a huge benefit to the people of Park City in the future and he urged approval.

Joe Kernan stated that this purchase will provide the City with more control on the future of the entry corridor. Candace Erickson felt Mr. Fey comments were correct about the amount of property for sale, but timing is the opportunity at hand here. A year and a half ago, the concept would not have been feasible to consider. If the City does not take advantage of the opportunity now, it may never be available again. Liza Simpson stated that she is persuaded by the public benefit elements; being able to shape this project moving forward, integrating affordable housing throughout the market units, and partnering on the sustainability features. She agreed with Ms. Erickson that this is an incredible opportunity and the City should move forward. Roger Harlan discussed serving as a Council liaison on the Park City Heights annexation task force. He didn't believe the down real estate market will last forever and believes approving the purchase agreement is doing the right thing. Mr. Hier expressed his support in developing the partnership, "I move that we approve the acquisition of the property outlined in the staff report, in a form approved by the City Attorney". Roger Harlan seconded. Motion unanimously approved.

V OLD BUSINESS

Consideration of an appeal of the Planning Commission's July 8, 2009 approval of a conditional use permit application submitted by North Silver Lake Lodge LLC – appellants, adjacent owner associations represented by Clyde Snow, Attorneys at Law – Candace Erickson excused herself from hearing this matter as her husband spoke on behalf of North Silver Lake project before the Planning Commission; she left the meeting. Mark Harrington explained that as a de novo hearing, the Council has the ability to consider new testimony as to issues of fact. The Council voted to reopen the hearing to accept public comment on October 15, 2009 and staff will present information requested at that time by Council. Options include upholding the Planning Commission's decision, upholding the decision with amended conditions or findings, reversing the decision, or remanding the matter to the Planning Commission.

Planner Katie Cattan explained that staff was asked to review the open space and by way of a PowerPoint presentation, discussed scrutinizing the footprint of each building, driveways and patios and noted a recalculation of open space of 72.9% from 74%. Lot 2B is dedicated open space within the master plan development and meets the definition of open space with regard to recreational amenities. Jim Hier referred to the common area in Building #3 relating to the bar and Ms. Cattan advised that the final condominium plat will define how the 5,102 square feet of commercial is defined. Currently, lobbies do not count toward commercial but the kitchen, bar, dining area and lounge will count toward commercial. It was pointed out that the cross-hatched areas on the plan designating common area is incorrect and Attorney Tom Bennett clarified that at some point when the commercial space is identified, it will likely be created as a commercial unit and will be designated as such on the plat. Ms. Cattan advised that other commercial space is contemplated within the spa. Discussion ensued on including the patio area as commercial and she explained that decks are considered limited common area and not part of the building square footage. Mark Harrington compared the concept to *The Beach* at Silver Lake which is probably included in Deer Valley's liquor license square footage but not included in the building square footage calculation; outdoor dining requires a conditional use permit. Mr. Bennett explained that the bar and lounge area is intended for the owners and their guests. Restaurants in condominiums open to the public have typically not done well. He emphasized that the Deer Valley MPD allows 14,525 square feet of commercial.

Planner Cattan explained that the focus of the conditional use review involved building mass and the orientation of the buildings on the site and how they relate to the adjoining lots. Another consideration is physical design in terms of mass, scale, style and defined architectural details. By way of slides, she compared the original 2001 approval and the current proposal which places more density in the central units, decreases the number of duplexes to protect more trees, maintains duplexes and single family around the periphery, decreases the number of periphery homes, moves Building #3 to the north and decreases impervious surface coverage. She discussed the 2001 features of the project including five and six story buildings creating potential visual impacts, but the plan was deemed compatible and approved.

She referred to the request for more information on the visual analysis and displayed and discussed the views from SR224, Main Street, and Kearns Boulevard and Park Avenue, mentioning that the applicant has a slide of the America Flag view. Ms. Cattan presented a diagram of Building #3, which is 215 linear feet and compared it to the Black Diamond Building in Deer Valley which is very similar in size and design. She then discussed the height of Building #3, pointing out some flat roof elements measuring to 35 feet and others at 45 feet. It is 71 feet from the finished floor of the first story to the top of the building, but the visual experience from the front of the building is 35 feet and from the back 50 feet from existing grade. The wording of a condition of approval should be clarified that no lockout units are permitted within North Silver Lake and would require Planning Commission approval but she clarified that they are allowed in the Deer Valley Master Plan. Ms. Cattan emphasized that staff recommends that the City Council deny the appeal in whole and support the conditional use permit approval based on the findings of fact, conclusions of law and amended conditions of approval.

Jim Hier expressed his appreciation of the applicant's and staff's efforts in providing requested information and invited the Planning Commissioners in attendance to speak.

Charlie Wintzer explained that the pertinent information in his mind are the rights the applicant was provided under the MPD which were 54 units and 50 foot heights but the size of the units was not a *given*. The size could vary. Throughout the process, the applicant was asked to save more trees, move the density from the perimeter, and to reduce the *hard-scape* to achieve a *greener* project. As a result, the number of units around the perimeter dropped by five, open space increased, hard surfaces decreased, and more trees were saved. The distance from the perimeter was reduced by about five feet and he felt that the applicant responded to requests from the Commission. He acknowledged that five units are about 10% larger on average than the units next door but the Commission didn't feel it was a *deal-breaker*. This project is so much better than the 2001 approval which was considered by the Commission. He relayed that the vote was 3:1 with one abstention and he chastised Mr. Murphy on his decision to abstain.

Planning Commissioner Dick Peek believed that the North Silver Lake Project is similar to other Deer Valley projects. The revised proposal surrounds large buildings with single family and duplexes and moves the density to the center. It is a large residential project transitioning into townhomes which he feels is compatible with the Deer Valley area.

The Mayor reopened the hearing.

Eric Lee, counsel for appellants, referred to the concerns expressed by members in the minutes of the meeting of October 15 where *Mr. Hier commented on the mass and size of Building #3 noting that it creates a compatibility problem from a visual standpoint*. He stated that Ms. Simpson expressed concerns about visibility, compatibility, building mass and orientation and was willing to remand the matter to the Planning Commission that night knowing that the MPD does not tie the Commission's hands with regard to determining compatibility. He alleged that Planning Commission members voted in favor of the CUP despite the fact that they believed the project was not compatible with the surrounding neighborhoods. They believed the vested rights in the MPD effectively trumped the compatibility requirement in the LMC. The Planning Commission minutes reflect, *Commissioner Wintzer was convinced the neighborhood compatibility issue would never be resolved. Due to the approved density, this project could never be perceived as compatible with surrounding properties*. It was felt that since compatibility can not be achieved, it is not required. Mr. Lee stated that this is an error and relayed that Commissioner Strachan said that *compatibility is an absolute requirement.* The Planning Commission can not approve a conditional use permit without finding that a project is compatible with surrounding structures in use, scale and mass. This is found in LMC 15-1-10, *The City shall not issue a conditional use permit unless the Planning Commission concludes that compatibility exists.* He insisted that the rights set forth in the MPD are qualified and the MPD specifies 54 units and 45 foot building heights and whatever development occurs, the project has to satisfy the conditional use criteria. Compatibility is an expressed constraint in the MPD on equal footing with the rights created in the MPD. He reiterated his compatibility argument. He stated that they do not want to take any rights away from the developer but ask that the conditions accompanying those rights be honored. Mr. Lee stated that the Planning Commission members erred when they decided not to insist that those conditions be satisfied because they felt their hands were tied despite their expressed conclusion that this development is not compatible with the surrounding neighborhoods. He urged the City Council to reverse the approval.

Bob Dillon, Clyde Snow and American Flag resident, discussed his legal experience as a commercial real estate lawyer and being approached from neighbors to appeal the CUP approval. Deer Valley is a jewel because of the people who built their homes there 15 years ago and everyone is opposed to the project. He asked if Council is obligated to developers to maximize their product or obligated to listen to residents who have lived in the neighborhood for years. The project is wrong, no one knows what exactly will be built, but the developer is already marketing the hotel package. As a conventional hotel, he stated he knows this won't fly. The City has not required the developer to commit to a plan and all projects should be built in one phase with the developer posting a completion bond. *This is the crowned jewel; this is the heart of Deer Valley*. The Council has an obligation to protect all of his clients, most of whom pay 40% more in property taxes. Mr. Dillon noted that if the 2001 project was built it would have created a terrible blight in Deer Valley and he urged Council members to send this back to the Planning Commission to make sure you know what they are going to build and then make them build it.

Attorney Tom Bennett explained that much of the information requested from the last hearing was presented by Katie Cattan but there is more visual information. He introduced Kelly Peart who displayed slides of neighboring communities including Evergreen pointing out that the setback is over 100 feet from the property line and there is a ski run between the adjoining homes. The central condominium buildings are similar in mass and scale with the Stag Lodge and slightly larger than the Bel Arbor triplex units. Mr. Peart displayed and discussed a variety of similar projects in Park City. Mr. Bennett highlighted the improvements made to the 2001 plan and discussed the visibility issue. The current project is about 60 feet narrower than the 2001 project. Mr. Peart continued to discuss the treatment of facades; the side facing Evergreen is 35 feet instead of 50 feet. Building #3 is adjacent to open space and not next to surrounding homes. Mr. Peart displayed slides of viewpoints. Mr. Bennett interjected that the hillside already has development on it which should be considered. Kelly Peart discussed in detail the stepping features on Building #3, the view from the ski run, and landscaping features. He also showed additional renderings of viewpoints.

Mr. Bennett emphasized that the Planning Commission did not say that the project is incompatible but approved it anyway; there was a lot of discussion about compatibility. There was discussion about mitigation and both Commissioners Wintzer and Peek spoke about the importance of the placement of the single family homes in making the project more compatible. There is a finding of law as part of the approval of the CUP that the project is compatible with surrounding structures in use, scale, mass and circulation. He hoped that the additional information has been helpful in this regard. Compatibility is more than just looking at the immediate neighbors and Mr. Dillon pointed out the fact that no one in the neighborhood has spoken in favor of this. Mr. Bennett countered that plenty of people in Park City have spoken in favor of this project and suggested that members of Council consider compatibility in a larger sense. He emphasized that this project is part of Deer Valley and part of a ski resort and there are patterns of development throughout the Deer Valley ski resort that mirror exactly what is proposed here. This project and its development plan are compatible with what has been done in Deer Valley and what surrounds this project. He urged the Council to take the neighborhood into context and the character of the area, which is a ski resort and one that is rated the No. 1 Ski Resort in the country. He insisted the North Silver Lake Project is not being marketed; that is not a true statement and the plan would be to develop the core of the project first. The 2001 approval is germane to this decision because it established compatibility but the current design is markedly better in terms of mitigation.

The Mayor invited public input and cautioned the audience to keep comments within the parameters of the appeal. With respect to Mr. Dillon's comments, the Mayor stated that he doesn't care how long someone has lived here because it has nothing to do with the issues at hand.

Lisa Wilson, Evergreen resident, pointed out that the 2001 approval expired in 2006. North Silver Lake Lodge is 356,000 square feet and she compared its size with other hotels, relaying that it has 123,000 square feet of common area which represents about one-third of the project. This is a grey area with no limits for development which is not afforded to the regular citizen. She questioned the limited designation of commercial areas in the spa. The workout room and lockers are common area and not part of the square footage. She spoke about the Treasure Hill square footage and again about the common area in the 2001 project. The ADA units and parking garage are common area but a home or business owner is strictly regulated on square footage. Mayor Williams encouraged Ms. Wilson not to read her letter as members have already received it. She continued that using a ski run as open space is a substantial change from the original CUP and it was never mentioned in any meetings that the Silver Dollar ski run would be used as open space. No perspective buyer would know that, and there was no public disclosure that Lot 2B would be used as open space either. She acknowledged receiving an email from Attorney Mark Harington explaining open space and explained that she called Myles Rademan for more clarification who advised her to refer to the zoning map.

While referring to the LMC for the definition of zoning map, the Mayor again advised her not to read her letter verbatim into the record. Council is trying to determine whether or not the project is compatible and/or whether it affects critical view sheds. He cautioned her to stick to the grounds of the appeal and didn't feel it productive to debate the subject of defining open space.

Ms. Wilson continued that designated ski runs as open space are not addressed in the LMC or Deer Valley MPD which is odd. The Mayor explained that not all open space is purchased by the public. Some open space is designated as part of development agreements and some ski runs in Deer Valley have conservation easements on them.

She indicated that the developer stated that the perimeter homes are 33 feet but the Planning Department measured again and several homes were higher than 33 feet. Only 10% of the trees will be left on the project site but the urban wildlife interface code has not been applied so potentially more trees will be removed. Ms. Wilson discussed the threat of erosion and asked that the City Council deny the project.

Tom Boone, Silver Lake Drive resident, believed that the LMC exists to protect property owners and he felt that new development should not change the vision of the existing community. The vision for North Silver Lake is totally different than the surrounding property where compatibility criteria should be applied. He felt that designing 365,000 square feet on six acres is a challenge but as the perimeter units were made smaller, the center buildings increased in size. He felt that the 2001 approval should not have been such a significant consideration throughout the process. This is an overwhelming project in a single family neighborhood. He felt it important to remand the project to the Planning Commission with direction to study compatibility. A record of the actual size of the 2001 project is not available. Since the 2001 approval expired, there are no vested rights and it should not have been brought into the process. Mr. Boone again requested that it be sent back to the Planning Commission.

John Stafsholt, Woodside Avenue, stated that the North Silver Lake Project highlights many of the issues brought up during any MPD process. The critical question is the balance between the old MPD versus the new CUP. The MPD has always required an approved CUP at the time of permitting and in order for that to happen, the project must be compatible with the current neighborhood in mass, scale, use and circulation. What could have been built decades ago is much different that what can be built with the same MPD as an in-fill project in an existing neighborhood. The vested rights in the MPD have always been contingent upon compatibility. Without compatibility, a CUP can not be granted because it is a requirement. Buildings in the neighborhood average around 4,900 square feet and the center building in the project totals 60,000 to 70,000 square feet. All MPDs are conditioned by the CUP and Council should remand the project to the Planning Commission and further direct them to require a compatible project as described in the LMC.

Steve Jury, Deer Valley resident and real estate broker, took exceptions to comments made by Messrs. Lee and Dillon that the project will cause blight in a single family neighborhood. All of the Belles are a combination of condominiums, single family homes, townhomes, etc. The project is not 365,000 square feet divided by 54 units; it is 230,000 square feet resulting in about 4,000 square feet of home not 4,900 square feet. Public input is reflected in the modifications. Mr. Jury suggested that they are guilty of one thing, being the last to build which is what this is all about. He highly recommended approval.

Brad Wilson, Evergreen resident, felt attention should not be given to expired approvals. The original approval called for 3,500 square foot units which is 182,000 square feet but turned into 432,000 square feet over time. He concurred with Bob Dillon that no one knows what they're getting. He pointed out the common space not included in the square footage calculations which is 6,600 square feet per unit which is 34% larger than each Evergreen home, not 10%. This does not make any sense. He continued that just because Stag Lodge is visible from Main Street does not mean that we should build another one. Although a building pattern of single family homes next to large buildings is found in Deer Valley, there is nothing like this in Silver Lake. Just because the building is 50 feet away, doesn't mean it's compatible. If this project were built under the current LMC, it would be a 150,000 square foot project, but instead it is a 356,000 square foot project and it is more reasonable to apply the 2006 LMC. Mr. Wilson asked that the project be sent back to the Planning Commission and scaled back to something that fits in the neighborhood. He displayed a home-made video with slides of the 4th of July parade mixed with slides of construction projects.

Tom Bennett believed the issue is dealing with compatibility which is difficult to define and the LMC is not much help. The 2001 proposal is important because it is one of the few documents one can look to as a standard. No one has suggested what would be compatible. If this isn't, what is? He asked if this is remanded, what is the Commission going to do with it. We have heard from two of the Planning Commissioners tonight who looked at compatibility during the process. The Planning Commission concluded that reasonable mitigation steps have been taken to satisfy the compatibility requirement. Is it the same standard as the neighbors, no, it will never be the same but steps have been taken to adequately mitigate the differences in height, mass and scale so that the Planning Commission could come to a conclusion that the requirements of the CUP were met. A compatibility finding was adopted and it is a legal conclusion. He recognized that the 2001 approval has lapsed but nothing has changed in this neighborhood since then and if a project was deemed to be compatible in 2001, nobody has given us any piece of information to point out anything new to suggest that something better than that is somehow now not compatible. The process was challenging but resulted in a healthy dialog and the project is better because of it. Density has moved to the center because the neighbors and Planning Commission asked for it. The amount of common area and providing amenities to owners is intended to reduce traffic impacts. He emphasized that the sustainability program is a higher standard than anything proposed before in the City which will provide positive impacts and this should be considered. Mr. Bennett stated that history creates legal rights with respect to the property and they need to be recognized.

Jim Hier stated that he sat on the Planning Commission in 2001 when the previous proposal was approved and afterwards regretted approving the North Silver Lake Project. The statement that the Commission thought the units were going to be 35,000 square feet in size is correct. However, the project grew in the meantime and when the CUP approval expired, he was ecstatic. The references to the prior approval are irrelevant to him because of the lack of accurate information at the time. Mr. Hier stated that he is concerned about counting the space on top of a parking structure as open space, the application of the urban wildlife interface guidelines and the effect on the project vegetation. It's not meaningful to compare a 4,900 square foot home to a 215 linear foot building; mass and scale need to be considered for the building as a whole as well as compatibility with the neighborhood in other aspects. For mass and scale, a different standard needs to be set. He explained that the CUP requires there to be a finding that if the project is *not directly* compatible that there is something that mitigates the incompatibility. He asked that it go back to the Planning Commission to take a look at those specific issues with regard and whether they can come up with a better determination of compatibility.

Liza Simpson commended the applicant for the improved plan as she is familiar with many iterations of the North Silver Lake Project. It has gotten better each time. She didn't think the compatibility issue has been mitigated, especially the largest building and would like further Planning Commission discussion on this. She is not persuaded by comparisons of projects and didn't feel that the center building will ever be the density the applicants want. The only vesting this project has is 54 units and the height and she recommended remanding it to the Planning Commission for further discussion.

Joe Kernan felt that compatibility is subjective but the adjacent single family neighborhood and the ski resort need to be considered as well as other projects in Deer Valley. He acknowledged that this project will be visible from many vantage points but work has been done to break the facades and lower the height of the side of the building viewed from the Evergreen neighborhood. He wished the Council had the power to remove the large building, but it doesn't and he spoke about the applicant meeting the requirements of the CUP and the challenge in finding where the Commission erred. He didn't feel there is enough new information modify the project at the Council level and questioned whether the project will get any better by sending it back to the Planning Commission.

Roger Harlan spoke about taking a field trip to the area and believed that Building #3 does not meet the compatibility test in his judgment. He noted that Mr. Dillon spoke about two obligations of the City Council but Mr. Harlan pointed out a third and that is to apply as best as possible the principles of the LMC with regard to the CUP. By actually taking a field trip and examining the property, it became clear to him that a five story building in the neighborhood is not compatible. He stated that he is an advocate of remanding the project to the Planning Commission to ensure that there is compatibility with surrounding structures in use, scale, mass and circulation.

Mayor Williams agreed with Mr. Hier and stated that Council can not dictate the size of the condominiums but in terms of their compatibility and the intent of the original Deer Valley master plan, it seems that the center seems too dense. The current plan has come a long way and he commended the sustainability element, but reiterated that the center building is too large. He felt the building can be built without 200 linear feet of massing and hoped the Planning Commission can look at this.

Tom Bennett expressed strong concern about beginning again at the Planning Commission level and urged members to consider keeping the matter before the City Council to resolve the compatibility issue.

Mr. Hier acknowledged his concern but felt that a remand with direction is not starting all over again. Commissioners are better able to make decisions on LMC applications. Jim Hier clarified that his compatibility concerns are specific to Building #3 because he feels it will be highly visible because of its location and its height. Mr. Hier added that he had a question about open space and Katie Cattan noted that plaza space built over a subterranean garage is considered open space which has been consistently applied to projects. Roger Harlan agreed with Mr. Hier's analysis of Building #3 and felt that there should be a guaranteed vegetation plan. Liza Simpson stated that she has problems with Building #3 but has faith in the applicant's creative abilities and would also like the Planning Commission to consider requiring a completion bond. Mr. Hier again discussed his initial review of the 2001 proposal, thinking the units were in the

3,500 square foot range and is not sure if that plan should be used as a base line for anything.

Mark Harrington understood that the majority of members have concerns with Building #3 as it relates to the façade length, height, overall mass, and visual impacts. In addition, members would like further evaluation of the revegetation plan which would include a further analysis of the impact of the application of the urban wildlife interface requirements. The third item is considering a condition dealing with a construction mitigation plan addressing phasing and completion. There was a request from the audience that the Planning Commission set a unit size but that was not supported by members.

Liza Simpson, "I move that we remand back to the Planning Commission their July 8, 2009 approval of the Conditional Use Permit application submitted by North Silver Lake Lodge LLC and detailed by the City Attorney". Joe Kernan seconded. Motion carried.

Candace Erickson	Abstention
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Aye
Liza Simpson	Aye

Mark Harrington advised that staff will return within 15 days with written findings on the decision to remand North Silver Lake to the Planning Commission for adoption by Council members.

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

VII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2:30 p.m. Members in attendance were Mayor Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, Liza Simpson and Council-elect Cindy Matsumoto and Alex Butwinski. Staff present was Tom Bakaly, City Manager; Deb Wilde, Code Enforcement Officer; Ron Ivie, Chief Building Official, Roger Evans, Building Inspector; Michelle Downard, Building Enforcement Officer; Tom Daley, Deputy City Attorney; Phyllis Robinson, Public Affairs Manager; Tom Eddington, Planning Manager; and Mark Harrington, City Attorney. Roger Harlan, "I move to close the meeting to discuss property and litigation". Joe Kernan seconded. Motion carried unanimously. The meeting opened at approximately 4:15 p.m. Jim Hier, "I move to open the meeting". Liza Simpson seconded. Motion unanimously carried.

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

Prepared by Janet M. Scott

Janet M. Scott, City Recorder

City Council Staff Report

Subject:	**Resolution – The Grateful Head Project Week**
Author:	**Janet M. Scott**
Department:	**City Manager's Office**
Date:	**December 3, 2009**
Type of Item:	**Legislative**

Summary Recommendations:
Staff recommends the City Council adopt a Resolution declaring Park City as a "Concussion Aware Town" and proclaiming December 6 through 12, 2009 as "The Grateful Head Project Week" in Park City, Utah

Background:
Patricia Stokes has been working with the Mayor's Office on promoting awareness about the Leadership Class' concussion awareness program and has drafted the attached Resolution for Council's consideration. Ms. Stokes and other classmates will be in attendance. Information, including associated program activities and accomplishments follow:

The Grateful Head Project/Leadership Park City Class XV
The Grateful Head Project Mission: To help prevent head injuries in the Park City community.

Leadership Park City Class XV recognized that there is an urgent need to educate the community on the dangers of concussions. This need has been confirmed by the medical director of the US Ski Team Richard Quincy, U of U Sports Medicine physician Wayne Stokes, MD, and other local professionals.

Concussions are mysterious injuries. There are usually no visible symptoms even though a severe injury has occurred to the brain. Handling these injuries properly begins with acknowledging their danger.

Because we live in an active sports community we are collectively at higher risk than other towns. Leadership Park City Class XV has striven to educate the community on head injuries. We attempted to accomplish this with educational tools and a helmet campaign. Leadership Park City Class XV urges Park City to become a progressive leader on head injury prevention in resort communities.

Leadership Park City Class XV's focus areas:

Education: An informational pamphlet was written, in English and Spanish, for distribution to residents and tourists. A website, www.thegratefulhead.webs.com, was created to provide informational resources on concussion prevention and recognition.

Members of Class XV gathered over 900 signatures in support of "The Grateful Head Project" while informing and educating community members at the Deer Valley Wednesday night concerts and Park Silly Sunday Market. The Grateful Head Project, in conjunction with The People's Health Clinic, hosted a Helmet Safety Fair in September distributing helmets and information, in English and Spanish, about head injury prevention. Members of the Mexican Bobsled Team, PC Police and PC Fire also participated.

Class XV members, and medical professionals, have been interviewed on KPCW and PC TV to increase awareness of concussions and the importance of wearing a helmet. Public service announcements, written by a Class XV member, have been read often on KPCW to increase community awareness of the dangers of concussion, concussion signs and symptoms, and the importance of wearing a helmet.

Members of Class XV participated in the July 4th and Miner's Day parades, distributing head-shaped fans with helmet safety tips and information on proper helmet fit. The Grateful Head Project entry won the "Funkiest Float" award during the Miner's Day celebration.

Increasing Helmet Usage: Class XV was awarded a grant from the Summit County Public Health Department and purchased bicycle helmets. Class XV members then distributed all 112 cycling helmets, at little or no cost, to children and adults throughout the community.

Class XV members have met with officials from the local ski resorts to encourage them to set a good example by having staff wear helmets. Several retailers in the community have partnered with The Grateful Head Project to create a "Helmet Exchange Program" to check residents/guests helmets, fit the helmet properly, and offer a discount on a new helmet if the old one must be replaced.

Concussion Baseline Testing. Members of Class XV met with Park City School Superintendent Ray Timothy to encourage adoption of ImPACT Concussion testing for the athletic teams.

Recommendation:
Staff recommends the City Council adopt a Resolution declaring Park City as a "Concussion Aware Town and proclaiming December 6 through 12, 2009 as "The Grateful Head Project Week" in Park City, Utah

RESOLUTION DECLARING PARK CITY AS A "CONCUSSION AWARE TOWN" AND PROCLAIMING DECEMBER 6 THROUGH 12, 2009 AS "THE GRATEFUL HEAD PROJECT WEEK" IN PARK CITY, UTAH

WHEREAS, concussions are enigmatic injuries often with no visible symptoms, even though severe injury has occurred to the brain; and

WHEREAS, the residents of Park City, Summit County, Utah live in an active sports community where we are collectively at higher risk for head injuries; and

WHEREAS, Park City Leadership Class XV recognized the urgent need to educate the community on the dangers of concussions; and

WHEREAS, Park City Leadership Class XV designed The Grateful Head Project to help prevent head injuries; and

WHEREAS, members of The Grateful Head Project accomplished the following - created a website to provide informational resources on concussion prevention and recognition (www.thegratefulhead.webs.com); wrote and distributed a concussion and helmet safety pamphlet in English and Spanish; gathered more than 900 signatures in support of the project; earned and used a grant from the Summit County Public Health department to purchase and distribute 112 cycling helmets, at little or no cost, to children and adults throughout the community; hosted a Helmet Safety Fair in conjunction with the People's Health Clinic to distribute helmets and information in English and Spanish about head injury prevention; participated in interviews on KPCW and PCTV, in English and Spanish, to increase awareness of concussions and the importance of wearing a helmet; met with officials from the local ski resorts to encourage them to set a good example by having staff wear helmets; partnered with several retailers in the community to establish a "Helmet Exchange Program" created to check residents/guests helmets, fit the helmet properly and offer a discount on a new helmet if the old one must be replaced, and participated in the July 4th parade AND won the "Funkiest Float" award during the Miner's Day celebration;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council hereby declare Park City a "Concussion Aware Town" and proclaim December 6 through 12, 2009 as "The Grateful Head Project Week," so Wear Your Helmet – It's a No Brainer.

PASSED AND ADOPTED this 3rd day of December, 2009.

PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams

City Council
Staff Report

PARK CITY 1884 PLANNING DEPARTMENT

Subject: **108 Park Avenue**
Author: **Katie Cattan**
Date: **December 3, 2009**
Type of Item: **Quasi-Judicial - Appeal of CUP Application**

Summary Recommendation
Staff requests that the City Council review the appeal of the Conditional Use Permit (CUP) and consider upholding the Planning Commission's approval of the Steep Slope CUP for 108 Park Avenue.

Topic

Appellant:	Carol Rixey, Owner of the Alaska House
Applicant:	Greg and Dawn Vagstadd
Location:	108 Park Avenue
Zoning:	Historic Residential (HR-1)
Adjacent Land Uses:	Residential
Reason for Review:	Appeals of Planning Commission are reviewed by the City Council.

Background
On August 15, 2006, the owner/applicant submitted a complete application for a conditional use permit for construction on a steep slope at 108 Park Avenue. Because the proposed dwelling square footage is greater than 1,000 square feet, and would be constructed on a slope greater than 30%, the applicant was required to file a Conditional Use Application for review by the Planning Commission, pursuant to Section 15-2.1-6 of the LMC. The steepest portion of the lot is located within the 10 feet front yard. The lot begins 23 feet from the curb of Park Avenue and is located on the downhill (east) side. The applicant received approval of a steep slope CUP for new construction of a single family dwelling at 108 Park Avenue from the Planning Commission on October 14, 2009. The review of the steep slope cup was delayed due to issues with the previously existing plat.

Three additional applications have been submitted in conjunction with the Steep Slope CUP. A plat amendment, a historic district design review, and a variance application have been reviewed by staff. On March 12, 2009 the City Council approved the plat amendment for 108 Park Avenue. The lot at 108 Park Avenue is vacant and all existing encroachments have been memorialized within the recent plat amendment. A variance for a reduction in the front yard setback was denied by the Board of Adjustment on March 20, 2007. The Historic District Design Guideline review has not been approved at this time. Staff has found preliminary compliance with the Historic District Design Guidelines, but will not finalize the review until the Steep Slope CUP is finalized.

The current design approved by the Planning Commission has changed significantly since the original submittal. The original design required a variance to the front yard setback to accommodate a garage. Since the variance was denied, the applicant revised the design to comply with the strict application of the setbacks. Although this application was received and deemed complete in August of 2006 and is vested under the previous code, the applicant has chosen to re-design within the new LMC regulations for three stories in HR-1 zone. However, the application does not meet the newly required 10 feet step in facade on the downhill side of the building required in the recent LMC changes. Due to previous vesting, the step in the façade is not required.

On August 23, 2009, the Planning Commission reviewed the application for a conditional use permit for construction on a steep slope at 108 Park Avenue. The Planning Commission requested that the architect provide further analysis of across canyon view of the property, shaded elevations, and expand the streetscape. The Planning Commission reviewed the CUP during work session on September 9, 2009. The site plan, floor plans, shaded elevations, expanded streetscape, and across canyon view were reviewed. The Planning Commission requested a square footage comparison of the existing homes in the area. On October 14, 2009, the Planning Commission approved the steep slope conditional use permit according to the findings of fact, conclusions of law, and conditions of approval. During the Planning Commission review, one member of the public (not the appellant) commented on their concern for the massing that would be visible from the Main Street when walking by the Alaskan House. The same resident also sent an email to the Planning Commission stating her concern for the visual impacts.

On October 22, 2009, the appellant, an adjacent property owner appealed the approval by Planning Commission (Exhibit A). The appeal was received within the 10 day appeal period. The appellant did not make public comment during the three scheduled public hearings in front for the Planning Commission.

<u>Burden of Proof and Standard of Review</u>
Pursuant to LMC 15-1-18(G) The appellant has the burden of proving that the Planning Commission erred. The Council "shall review factual matters de novo and it shall determine the correctness of a decision of the [Planning Commission} in its interpretation of application of the land Use ordinance. "

<u>Analysis and Discussion</u>
The appellant's comments are within the text boxes and prior to staff's analysis through out this section.

The basis for this Appeal is against the following incorrect information and determination reported to the Planning Commission;

Criteria 4: Terrace. The project must provide terraced retaining structures to regain natural grade. **COMPLIES**
The lot is steep along the front lot line. Retaining is necessary for the driveway. The retaining wall will assist in retaining the natural grade of the sloped front yard. The rock retaining wall will also assist in creating a patio area in the front yard consistent with design features in the historic district. No portion of the rock retaining wall will be greater than four feet. The rock retaining wall shall be of stacked rock that is historically compatible in the historic residential district, not rock boulders.

A. The Appealant asserts that this is incorrect.

1. **The Planner was unfamiliar with the site conditions and was negligent in pointing out in the report the proximity of the Historic Structure and the specific drainage and grading issues.**
2. **Appealant asserts that the Planner was unfamiliar with the site conditions and was negligent in pointing out in the report the following issues:**
3. **The Proximity and height of the roof of the Historic Alaska House.**
4. **The drainage issue that should have been addressed to protect it.**
5. **Proper Building / Site Sections, survey coordinated ground shots of the adjacent structuresand roof Elevations, would have assisted the Planner to not make this mistake.**
6. **The Staffs lack understanding of Site conditions neglects to note or discuss the dangerous Electrical meter location and how this should be addressed.**
7. **Lack of Roof slope direction markers on the drawings would also have assisted in the understanding of the snow shed issue being addressed.**
8. **Snow will shed and landscaping / proper drainage must be addressed.**

Staff:
A certified survey was provided within the application. The Planning Commission was presented with evidence in the site plan and survey which showed the proximity of the Alaska House to the site. During the plat amendment process the portion of the property beneath the historic Alaska House was deeded to the owner of the Alaska house. An easement was also created for the home to the north of the property which encroaches with a roof overhang onto the property.

Drainage is not incorporated as part of the steep slope CUP criteria and normally is reviewed by the City Engineer at the time of the building permit review. In reviewing the appeal, the City Engineer has met with the architect for 108 Park Ave and the architect has incorporated additional terracing in the rear yard to prevent drainage issues for the adjacent Alaska House property. The architect introduced two gravel filled basins to mitigate drainage issues. The City Engineer has reviewed the proposed changes to the drainage and has found that the proposed French drains and the gravel basins will mitigate the concern for runoff. Alliance Engineering prepared engineering details for pre-development and post-development runoff. The post-development runoff will not exceed the pre-development runoff.

The electrical meter will be addressed during the building plan review. The electric meter is not associated with terracing of review Criteria #4.

The roof slopes are understood through sheets 1A, A-4, and A-5 of the Architect's plans. These sheets include the roof over existing topography and the elevations of the buildings.

Snow shed was reviewed by the Planning Commission during the public hearing. It has been addressed to the satisfaction of the Planning Commission, as well as, the building department. Snow shed and maintenance agreements were recorded at the county at the time of plat recordation. The building department is requiring a snow melt system on the north façade of the building to prevent snow from accumulating between the two eaves.

Criteria 6: Building Form and Scale. Where building masses orient against the Lot's Existing contours, the structures must be stepped with the grade and broken into a Series of individual smaller components that is compatible with the District.
COMPLIES
The lot is unique in that it wider than it is long. The mass of the building is located on the center of the lot expanding the width of the lot from north to south with the parallel contours of the lot. There are not major steps within the building due to the configuration of the site. The Architect has added several dormers to break up the form and scale of the building.

B. The Appellant asserts that this is incorrect.
The Building Form and Scale do NOT Comply.

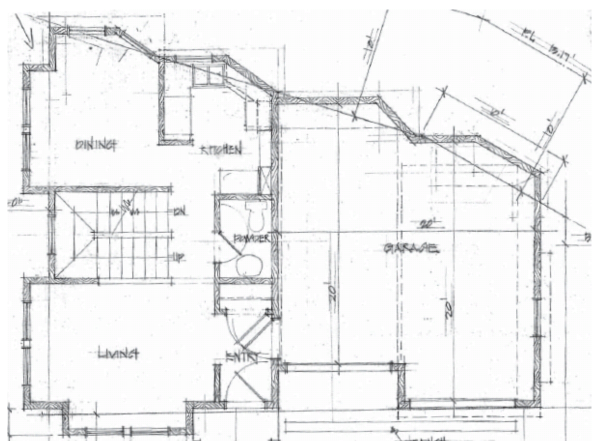
1. **The middle floor cantilevering into the rear yard setback is a violation of the Land Management Code.**
2. **This form is not compatible in the Rear yard as a Historically sensitive to the adjacent structures.**

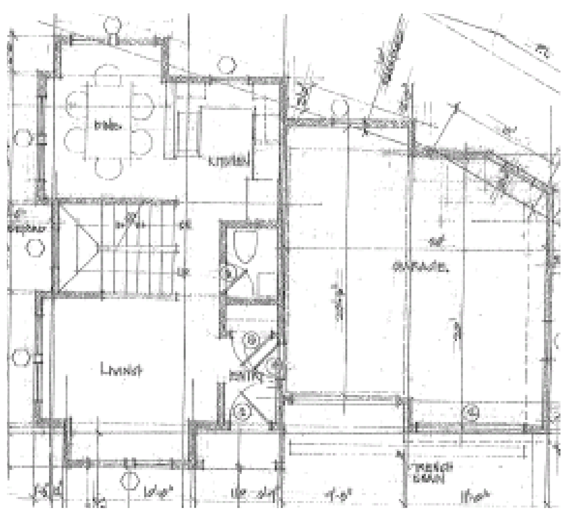
Staff:
The home is located within the HR-1 zone of Park City. Section 15-2.2-3(E) requires a 10 foot rear yard for lots up to 75 feet in depth. Section 15-2.2-3(G) lists the rear yard exception. Bay windows not more than ten feet wide and projecting not more than two feet into the rear yard are an exception. Staff did make an error in the initial review of

the CUP regarding allowing a bay without a window as an exception to the setback. On the second floor, the architect utilized the exception for a bay window to cantilever into the rear yard. The architect included a bay without a window. The Architect has modified the bay to include a window in compliance with the exception.

The owner of the home also has a pending application for a Historic District Design Review. Since the review by Planning Commission, planning staff requested that the architect review the rear portion of the building for consistency with historic facades (HDDR Guideline #71). The design included several angled walls which are not consistent with the historic district design review guideline. The architect has modified the rear façade slightly to resolve the inconsistent angled walls.

These two minor revisions on the rear façade of the building have addressed one of the concerns of the appeal. These revision are minor and do not require review by the Planning Commission. The following shows the rear elevation as reviewed by the Planning Commission and the revised rear elevation.





Criteria 7: Setbacks. The Planning Commission may require an increase in one or more setbacks to minimize the creation of a wall effect along the Street front and/or rear Property Line. The Setback variation will be a function of the building, site constraints, proposed Building scale, and Setbacks on adjacent Structures. **COMPLIES**

The front and rear yard setback for the lot is 10 feet. The architect has stepped the building along the front façade along three different planes in five different sections. Each of the steps is approximately 3 to 4 feet. Of the 40 feet wide structure, the longest unbroken façade is 11 feet.

C. **Appellant asserts that this statement is False. The Planning Commission was unable to address this issue properly, due to the misleading and vague information provided by the Applicant and the Planning Staff. The "Wall Effect" code is vague and was not considered in the rear.**

1. **The Planning Staff and the Commission did not increase the setback to consider the Rear Property line, but without knowing, did the opposite by allowing a Code violation of the Garage into the rear setback.**
2. **The Cantilever approved only serves to create a "towering Effect" over a Historic Structure.**
3. **The Proximity and conditions are certainly a "Site Constraint" which should have been considered.**
4. **No**

Staff: The front of the building is stepped as described within the staff report and as shown in the west elevation (Exhibit B- page A-4). As mentioned previously, there was a noncompliance in the rear yard due to the bay without a window that has been brought into compliance by the addition of a window. The rear facade steps and therefore minimizes a wall effect. Due to the unique plat configuration the structure steps creating a minimum of four planes on each story of the rear façade.

Criteria 8: Dwelling Volume. The maximum volume of any structure is a function of the Lot size, Building height, setbacks and provisions set forth in this Chapter. The Planning Commission may further limit the volume of a proposed structure to minimize its visual mass and/or to mitigate difference in scale between a proposed structure and existing structures. **COMPLIES**

The structure is located on a 50 feet wide lot. The volume of the structure is located central to the lot and reaches 40 feet across the lot. The architect has stepped the façade of the structure to decrease the perceived volume of the structure. A step in the façade of the garage doors and the cross gables assist in breaking up the total volume of the building.

D. **Appellant asserts that this statement is False.**

The Planning Commission was unable to address this issue properly, due to the misleading and vague information provided by the Applicant and the Planning Staff.

1. **The Building Volume has NOT been "Minimized" in visual mass to Mitigate differences in Scale between a proposed structure and existing structures.**

2. The building rear yard Setback has been violated.

3. The Staff has made an arbitrary interpretation of the code allowing a garage and rear portions of the building to encroach into the Rear Yard Setback.

4. The Garage size is non conforming to the size required by the Code-

5. The 108 Park Ave. report states;
"The applicant revised the design to comply with the strict application of the Setbacks". It does not.

6. "The applicant has chosen to re-design within the new LMC regulations for three stories in the HR-1 zone. This is incorrect.

7. The staff has "chosen" to arbitrarily eliminate one of the requirements of the new LMC regulations. Why was this done?

8. The 108 Park Ave. report states;

"However, the application does not meet the required 10 feet step in the façade on the downhill side of the building required in the recent LMC changes."

9. Can the Staff or the Planning Commission to waive that requirement Why did they not analyze the Site conditions and enforce the step back?
The staff cannot arbitrarily choose two codes at once, so they chose the current code only to ignore the new step back rule. While simultaneously benefiting themselves a variance in the rear yard setback, when it was denied in the Front.
A Bay window is allowed as an exception to the Rear Yard Setback.
The parking structure is not a Bay window and can NOT be built into the rear yard setback as well. It is Not a Bay window as defined in the Code as there are no windows on this portion of the home. It is not an acceptable solution to simply install windows along the already illegal encroachment.

10. Earlier in the report, it states that the "variance was denied".
Suddenly is there are Rear Yard Variance being created without any discussion or Variance?

11. When the previous variance was denied, the Planning Commission determined that there was no hardship and the Garage should be placed on the other side of the lot where it fit within the required Building Pad area.

12. There was no discussion or consideration given to the impact that this approval will have on the Alaska House roof encroachment and failed to address the design for proper drainage to protect this landmark.

Staff:
The Planning Commission reviewed the plans during three separate meetings on August 23, 2009; September 9, 2009; and October 14, 2009 (Exhibit B – plans, Exhibit C-minutes). They were provided with the appropriate tools to review this criterion and make a finding of compliance. The information is certified by a licensed architect and the plans must be complied with in order to receive a certificate of occupancy. The front façade of the building steps in an effort to break up the perceived massing.

The appellant is correct that the rear yard setback was violated due to the bay without a window. As mentioned previously, the applicant has modified the plans to add a window in the bay and comply with the setback requirements.

The garage and internal parking was reviewed by the City Engineer prior to the Planning Commission review of the CUP. The City Engineer found that the stepped garage was acceptable. The interior of the garage has two parking spaces, each twenty (20) feet deep by ten (10) feet wide. The applicant did incorporate two bay windows within the design to comply with the twenty foot depth requirement of an internal parking space. This was shown in the floor plans reviewed and approved by the Planning Commission. The applicant is required to have two onsite parking spaces.

The application was vested under the previous LMC. This application was not required to follow the three story maximum, yet did. The applicant did not choose to create a 10 foot step in the top story. Due to the vesting of this application, they were not required to have the ten foot step in the top story. The rear yard exception for bay windows exists within the current code and the code during time of vesting.

Process
The City Council action on this matter shall constitute Final Action (unless the Council votes to remand the matter back to Planning Commission). The City Council's decision on this appeal may be appealed to the District Court within 30 days of Final Action.

Notice
Property owners who received mailed notice for the original Planning Commission hearing were sent a courtesy mailing seven days prior to the appeal hearing. The property was properly posted and legally noticed seven days prior to the appeal hearing.

Public Input
During the Planning Commission review, Staff received public input from a concerned resident (not the appellant). The concern was regarding the visual impact as viewed from Main Street. No public input was received by the appellant during the three Planning Commission meetings regarding the application. No additional public input has been received regarding the appeal.

Alternatives

- The City Council may affirm the Planning Commissions decision to approve in whole or in part the steep slope CUP as conditioned or amended; or
- The City Council may reverse the Planning Commission decision and deny the steep slope CUP in whole or in part and direct staff to make Findings for this decision; or
- The City Council may remand the matter to the Planning Commission with direction on specific items; or
- The City Council may continue the discussion on the appeal of the steep slope CUP.

Recommendation

Staff recommends the City Council review the appeal and consider affirming the Planning Commission decision to approve the 108 Park Avenue Steep Slope CUP based on the finding of facts, conclusions of law, and conditions of approval herein.

Findings of Fact:

1. The property is located at 108 Park Avenue.
2. The lot area is approximately 2195 square feet.
3. The zoning is Historic Residential (HR-1).
4. The new single family home at 108 Park Avenue and the driveway leading to the new structure is located on a slope greater than 30% and is larger than 1000 square feet.
5. Because the proposed dwelling square footage is greater than 1,000 square feet, and would be constructed on a slope greater than 30%, the applicant is required to file a Conditional Use Permit Application for review by the Planning Commission, pursuant to Section 15-2.1-6 of the LMC
6. The neighborhood is characterized by single family new and historic homes, as well as duplexes and multi-family homes.
7. The 108 Park Avenue Replat amended Lot A of the Morrison Re-Subdivision which was recorded with incorrect lot lines due to surveyor error.
8. The minimum lot size in the HR-1 zone is 1,875 square feet for a single family home.
9. The LMC minimum lot width in the HR-1 zone is 25 feet. The lot width of the amended lot is 50 feet.
10. The maximum height limit in the HR-1 zone for a structure is 27 feet above existing grade. The height of the new structure does not exceed this limit.
11. Setbacks for the lot are 5’ minimum on the sides with a combined minimum of 10’, and 10’ minimum in the front and rear yards. The proposed new structure complies with the setback requirements of the zone. The propose side yard setbacks are 5’ and the front and rear setbacks are 10’.
12. Section 15-2.2-3(E) requires a 10 foot rear yard for lots up to 75 feet in depth. Section 15-2.2-3(G) lists the rear yard exception. Bay windows not more than ten feet wide and projecting not more than two feet into the rear yard are an exception to the rear yard setback. The design utilizes the bay window exception on the second story.

13. Since the review by Planning Commission, planning staff requested that the architect review the rear portion of the building for consistency with historic facades (HDDR Guideline #71). The design included several angled walls which are not consistent with the historic district design review guideline. The architect has modified the rear façade slightly to resolve the inconsistent angled walls.
14. The structure is located on a 50 feet wide lot. The volume of the structure is located central to the lot and reaches 40 feet across the lot. The architect has stepped the façade of the structure to decrease the perceived volume of the structure. A step in the façade of the garage doors and the cross gables assist in breaking up the total volume of the building.
15. The architect has stepped the building along the front façade along three different planes in five different sections. Each of the steps is approximately 3 to 4 feet. Of the 40 feet wide structure, the longest unbroken façade is 11 feet.
16. All findings within the Analysis section are incorporated herein.
17. The Planning Commission reviewed the CUP application on August 23, 2009, September 9, 2009, and approved the CUP on October 14, 2009.
18. The Planning Commission approval of the CUP was appealed on October 22, 2009.

<u>Conclusions of Law:</u>

1. The application complies with all requirements of Section 15-2.1-6 of the Land Management Code.
2. The proposed use, as conditioned, is compatible with the surrounding residential and commercial structures in use, scale, mass and circulation.
3. As conditioned the use is consistent with the Park City General Plan.
4. The effects of any differences in use and scale have been mitigated through careful planning.

<u>Conditions of Approval:</u>

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. Measures to protect existing vegetation shall be included in the Construction Mitigation Plan (CMP).
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. A landscape plan is required with the building permit. Changes to an approved plan must be reviewed and approved prior to landscape installation.
5. No building permits shall be issued for this project unless and until the design of the house is reviewed and approved by the Planning Department staff for compliance with the Historic District Design Guidelines.
6. The Building Department may require a shoring plan, depending on the cut of the excavation. If a shoring plan is required it must be in compliance with the International Building Code.

7. This approval will expire on December 3, 2010, if a building permit has not been issued.
8. Approval is based on plans dated November 3, 2009 and reviewed by the City Council on December 3, 2009. Building Permit plans must substantially comply with the approved set of plans.

Order:

1. The decision of the Planning Commission is hereby affirmed and the appeal is denied.

EXHIBITS:

Exhibit A – Appeal
Exhibit B – Plans
Exhibit C – Planning Commission minutes August 23, 2009, September 9, 2009 and October 14, 2009
Exhibit D – October 14, 2009 Planning Commission staff report

Carol Rixey / Alaska House
649-8333

P.O. Box 777
Park City, UT 84060
October 21, 2009

RECEIVED
Park City Municipal Corp.

Planning Department
Thomas Edington
445 Marsac Ave.
Park City, UT, 84060-1480

PETITION FOR APPEAL TO PLANNING STAFF / COMMISSION APPROVAL OF DESIGN AND HISTORIC DISTRICT DESIGN REVIEW FOR 108 PARK AVE..

1. This appeal is timely pursuant to code 15-11-11 (E) and **15-2.2-8.(E) ARCHITECTURAL REVIEW** of the Park City Code.
2. This appeal is authorized pursuant to 15-11-11 (E) 1,2 Review by the Historic Preservation Board. 15-12-15.(8) REVIEW BY PLANNING COMMISSION, 15-1 -18(A) APPEALS AND RECONSIDERATION PROCESS and 15-12-15. REVIEW BY PLANNING COMMISSION (For Steep Slope CUP)
3. The applicable code sections are as follows;

15-2.2-6. DEVELOPMENT ON STEEP SLOPES. states in pertinent part

Development on Steep Slopes must be environmentally sensitive to hillside Areas, carefully planned to mitigate adverse effects on neighboring land and Improvements, and consistent with the Historic District Design Guidelines.

(A) **ALLOWED USE**. An allowed residential Structure and/or Access to said Structure located upon an existing Slope of thirty percent (30%) or greater must not exceed a total square footage of one thousand square feet (1,000 sq. ft.) including the garage.

(B) **CONDITIONAL USE**. A Conditional Use permit is required for any Structure in excess of one thousand square feet (1,000 sq. ft.) if said Structure and/or Access is located upon any existing Slope of thirty percent (30%) or greater.

The authority of the City and its employees is circumscribed by **1- 1-12. APPLICATION OF CODE BY CITY OFFICERS OR EMPLOYEES**. which limits the power of the agent in pertinent part.

Whenever in this Code or in any code adopted herein it is provided that anything must be done to the approval or permission of or subject to the direction of any administrative officer or employee of the City, this shall be construed to give such officer or employee **only** the discretion of determining whether the rules and standards established by this Code or by any code adopted herein have been complied with; and no such provision shall be construed as giving any administrative officer or employee discretionary powers as to what such regulations or standards shall be, or power to require conditions not prescribed by this Code or by any code adopted herein, or to enforce the provisions therein in an arbitrary or discriminatory manner.

Code sections must be interpreted according to the plain meaning of the words as enacted not only to give notice that the average citizen can understand by the content of the regulations and conform thereto, but also so that the code will be evenly and fairly applied consistently from case to case to avoid discrimination for or against citizens contrary to the plain meaning and to preclude violations of equal protection and application of the code by engrafting standards into the regulatory language that are not expressed in the code sections..

The basis for this Appeal is against the following incorrect information and determination reported to the Planning Commission;

Criteria 4: Terrace. The project must provide terraced retaining structures to regain natural grade**. COMPLIES**
The lot is steep along the front lot line. Retaining is necessary for the driveway. The retaining wall will assist in retaining the natural grade of the sloped front yard. The rock retaining wall will also assist in creating a patio area in the front yard consistent with design features in the historic district. No portion of the rock retaining wall will be greater than four feet. The rock retaining wall shall be of stacked rock that is historically compatible in the historic residential district, not rock boulders.

A. The Appealant asserts that this is incorrect.

1. **The Planner was unfamiliar with the site conditions and was negligent in pointing out in the report the proximity of the Historic Structure and the specific drainage and grading issues.**
2. **Appealant asserts that the Planner was unfamiliar with the site conditions and was negligent in pointing out in the report the following issues:**
3. **The Proximity and height of the roof of the Historic Alaska House.**
4. **The drainage issue that should have been addressed to protect it.**
5. **Proper Building / Site Sections, survey coordinated ground shots of the adjacent structuresand roof Elevations, would have assisted the Planner to not make this mistake.**
6. **The Staffs lack understanding of Site conditions neglects to note or discuss the dangerous Electrical meter location and how this should be addressed.**
7. **Lack of Roof slope direction markers on the drawings would also have assisted in the understanding of the snow shed issue being addressed.**
8. **Snow will shed and landscaping / proper drainage must be addressed.**

Criteria 6: Building Form and Scale. Where building masses orient against the Lot's Existing contours, the structures must be stepped with the grade and broken into a Series of individual smaller components that is compatible with the District.
COMPLIES
The lot is unique in that it wider than it is long. The mass of the building is located on the center of the lot expanding the width of the lot from north to south with the parallel contours of the lot. There are not major steps within the building due to the configuration of the site. The Architect has added several dormers to break up the form and scale of the building.

B. The Appellant asserts that this is incorrect.
The Building Form and Scale do NOT Comply.

1. **The middle floor cantilevering into the rear yard setback is a violation of the Land Management Code.**
2. **This form is not compatible in the Rear yard as a Historically sensitive to the adjacent structures.**

Criteria 7: Setbacks. The Planning Commission may require an increase in one or more setbacks to minimize the creation of a wall effect along the Street front and/or rear Property Line. The Setback variation will be a function of the building, site constraints, proposed Building scale, and Setbacks on adjacent Structures. **COMPLIES**

The front and rear yard setback for the lot is 10 feet. The architect has stepped the building along the front façade along three different planes in five different sections. Each of the steps is approximately 3 to 4 feet. Of the 40 feet wide structure, the longest unbroken façade is 11 feet.

C. **Appellant asserts that this statement is False. The Planning Commission was unable to address this issue properly, due to the misleading and vague information provided by the Applicant and the Planning Staff. The "Wall Effect" code is vague and was not considered in the rear.**

   1. **The Planning Staff and the Commission did not increase the setback to consider the Rear Property line, but without knowing, did the opposite by allowing a Code violation of the Garage into the rear setback.**
   2. **The Cantilever approved only serves to create a "towering Effect" over a Historic Structure.**
   3. **The Proximity and conditions are certainly a "Site Constraint" which should have been considered.**
   4. **No**

Criteria 8: Dwelling Volume. The maximum volume of any structure is a function of the Lot size, Building height, setbacks and provisions set forth in this Chapter. The Planning Commission may further limit the volume of a proposed structure to minimize its visual mass and/or to mitigate difference in scale between a proposed structure and existing structures**. COMPLIES**

The structure is located on a 50 feet wide lot. The volume of the structure is located central to the lot and reaches 40 feet across the lot. The architect has stepped the façade of the structure to decrease the perceived volume of the structure. A step in the façade of the garage doors and the cross gables assist in breaking up the total volume of the building.

D. **Appellant asserts that this statement is False.**

   The Planning Commission was unable to address this issue properly, due to the misleading and vague information provided by the Applicant and the Planning Staff.

   1. **The Building Volume has NOT been "Minimized" in visual mass to Mitigate differences in Scale between a proposed structure and existing structures.**

2. The building rear yard Setback has been violated.

3. The Staff has made an arbitrary interpretation of the code allowing a garage and rear portions of the building to encroach into the Rear Yard Setback.

4. The Garage size is non conforming to the size required by the Code-

5. The 108 Park Ave. report states;
"The applicant revised the design to comply with the strict application of the Setbacks". It does not.

6. "The applicant has chosen to re-design within the new LMC regulations for three stories in the HR-1 zone. This is incorrect.

7. The staff has "chosen" to arbitrarily eliminate one of the requirements of the new LMC regulations. Why was this done?

8. The 108 Park Ave. report states;

"However, the application does not meet the required 10 feet step in the façade on the downhill side of the building required in the recent LMC changes."

9. Can the Staff or the Planning Commission to waive that requirement Why did they not analyze the Site conditions and enforce the step back?
The staff cannot arbitrarily choose two codes at once, so they chose the current code only to ignore the new step back rule. While simultaneously benefiting themselves a variance in the rear yard setback, when it was denied in the Front.
A Bay window is allowed as an exception to the Rear Yard Setback.
The parking structure is not a Bay window and can NOT be built into the rear yard setback as well. It is Not a Bay window as defined in the Code as there are no windows on this portion of the home. It is not an acceptable solution to simply install windows along the already illegal encroachment.

10. Earlier in the report, it states that the "variance was denied".
Suddenly is there are Rear Yard Variance being created without any discussion or Variance?

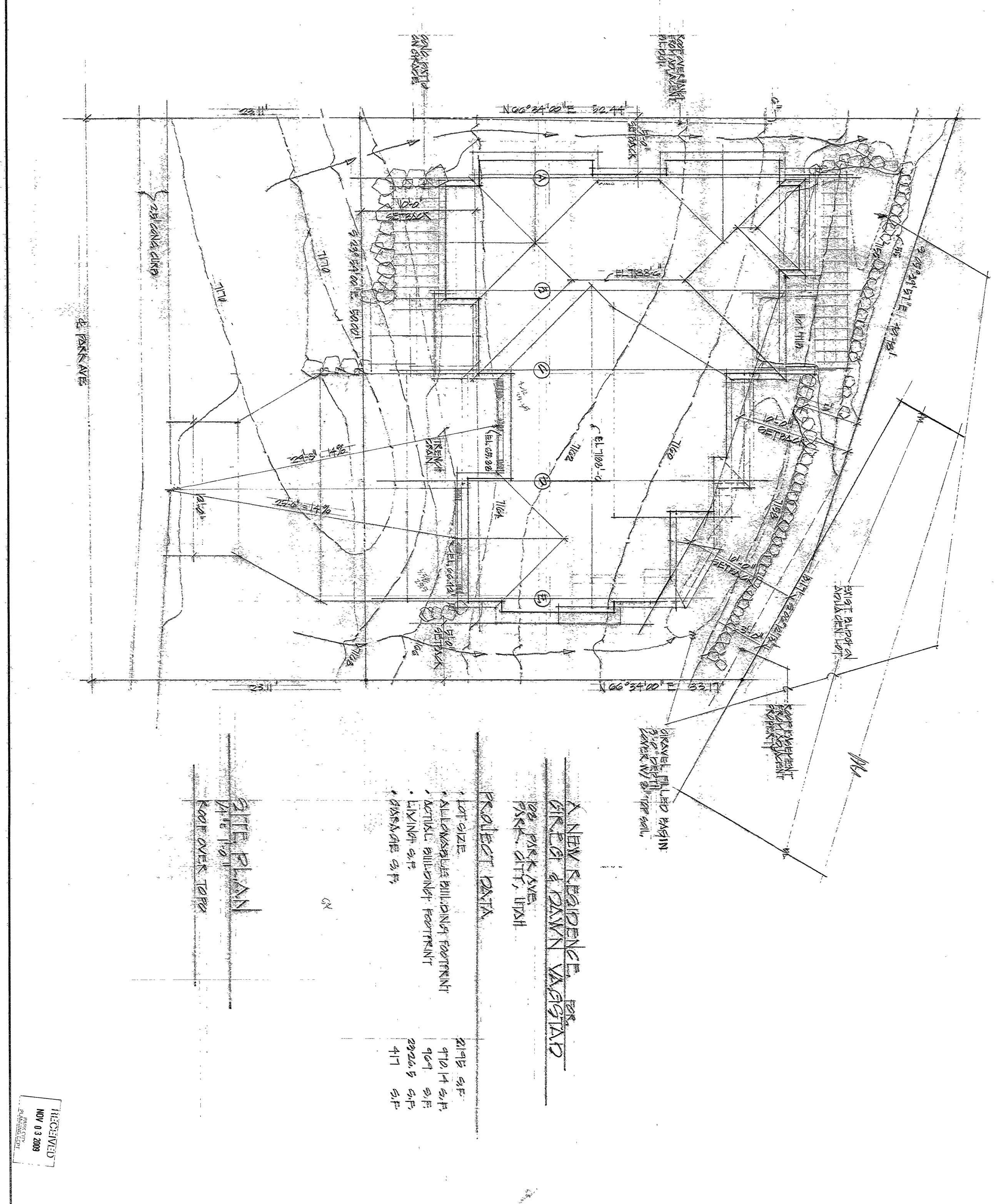
11. When the previous variance was denied, the Planning Commission determined that there was no hardship and the Garage should be placed on the other side of the lot where it fit within the required Building Pad area.

12. There was no discussion or consideration given to the impact that this approval will have on the Alaska House roof encroachment and failed to address the design for proper drainage to protect this landmark.

The theory of the appellant's request for relief is that the determination of the staff's findings for approval be found to be arbitrary, capricious, and incorrect according to the plain language and general objectives of the Code. The Staff has made an incorrect analysis of the Topographic mapping and the physical proximities of adjacent properties buildings. A portion of the project is upon slopes greater than thirty percent (30%), according to the certified topological mapping and survey, pursuant to 15-2.2-6.(A) & (B) DEVELOPMENT ON STEEP SLOPES and as such, this decision interferes with the neighbor's constitutional right to equal protection under the Law and the reasonable expectation that the City Staff will uphold the application of the Code in a fair and balanced manner. The erroneous determination unduly violates the mandated equal protection of all property owners by discriminating against one differently than another. The applicant request the relief that the project be re-designed allowing a Front yard variance of 7 feet for the Garage or the Front of the House, without the large driveway cut and in direct compliance with the Historic District Design Guidelines and the LMC, and be further reviewed through the traditional Planning Commission CUP Design Review process for submissions and approval.

CONCLUSIONS OF LAW

1. The staff erred in their analysis of the project and was negligent in their diligence to follow the Code and uphold the standards for review in a fair and impartial manner.
2. In that the City has recognized and taken responsibility for the inaccurate report generated, which mislead the Planning Commission to an improper review.
3. The proposed work Does NOT comply with the Land Management Code requirements pursuant to the HR-1 zoning district.
4. The project approval is revoked.



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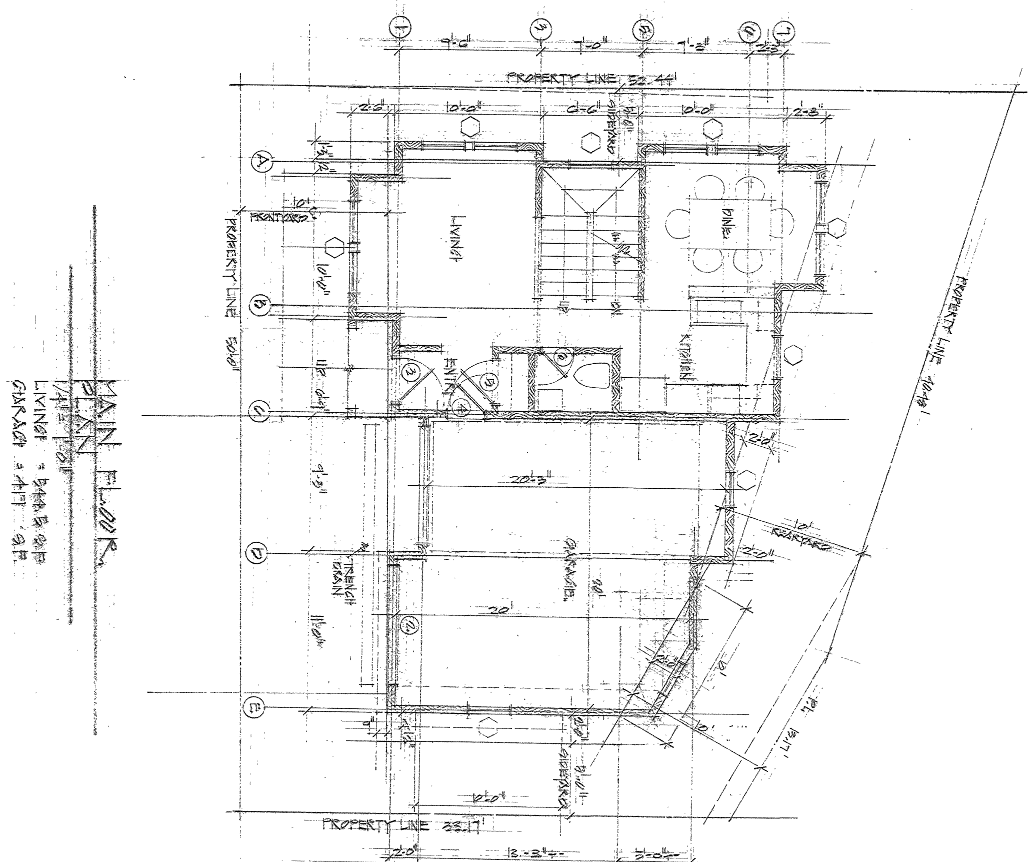

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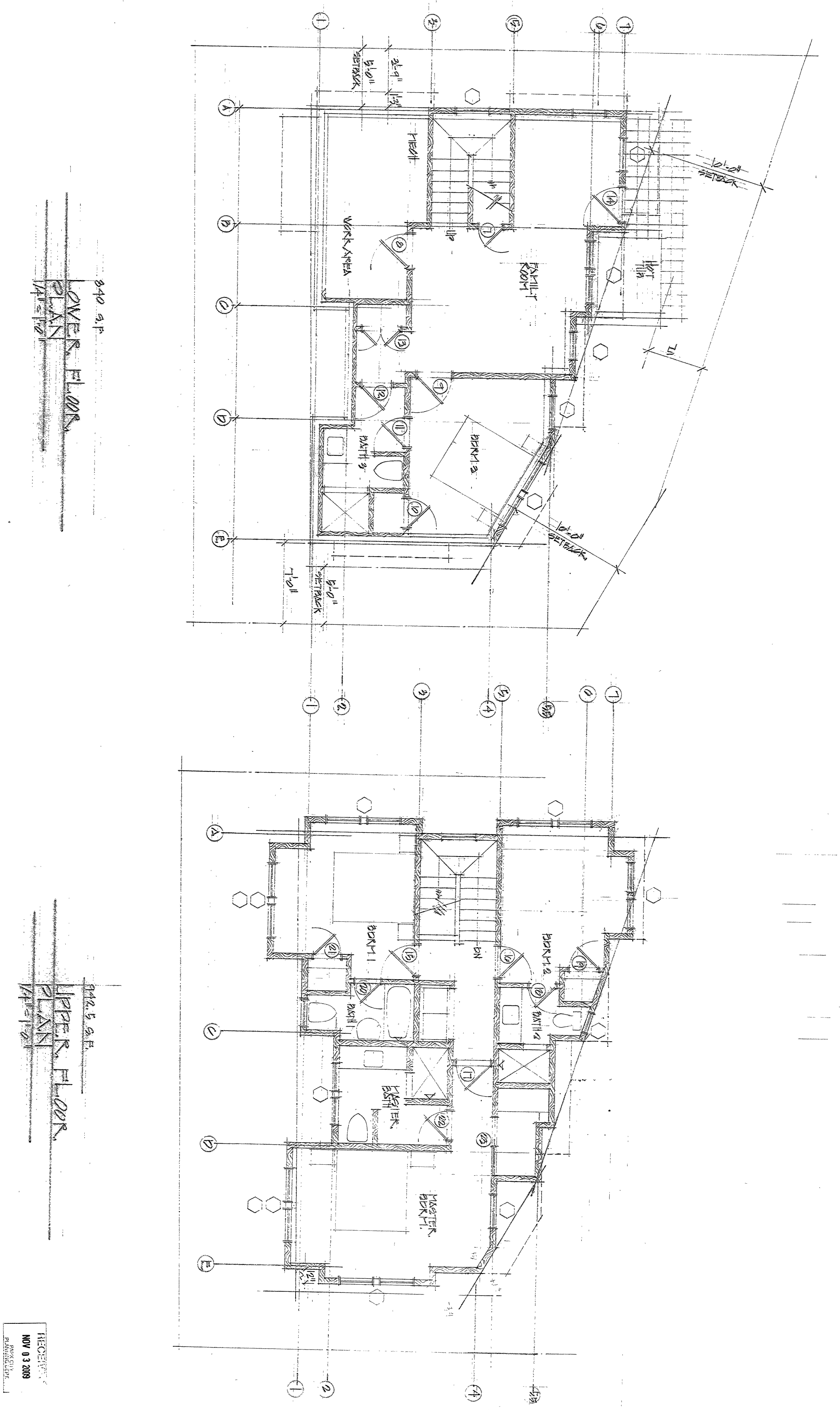

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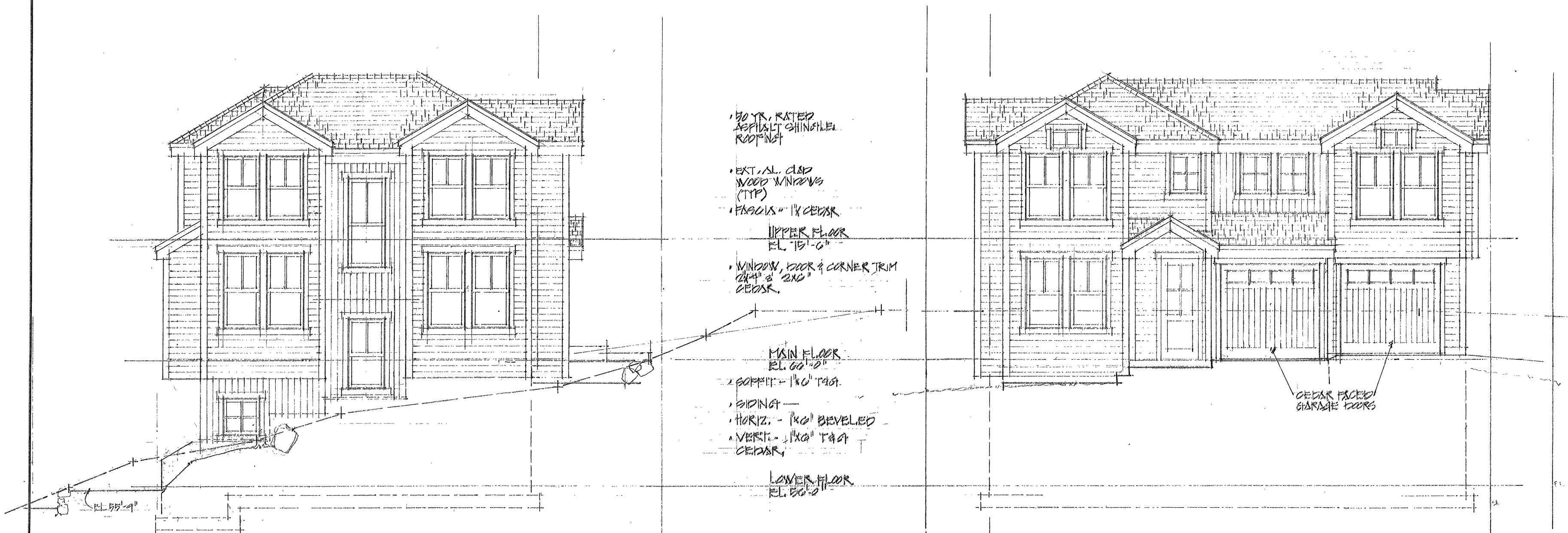

NORTH ELEVATION
1/4" = 1'-0"

WEST ELEVATION
1/4" = 1'-0"

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PARK CITY PLANNING DEPT.

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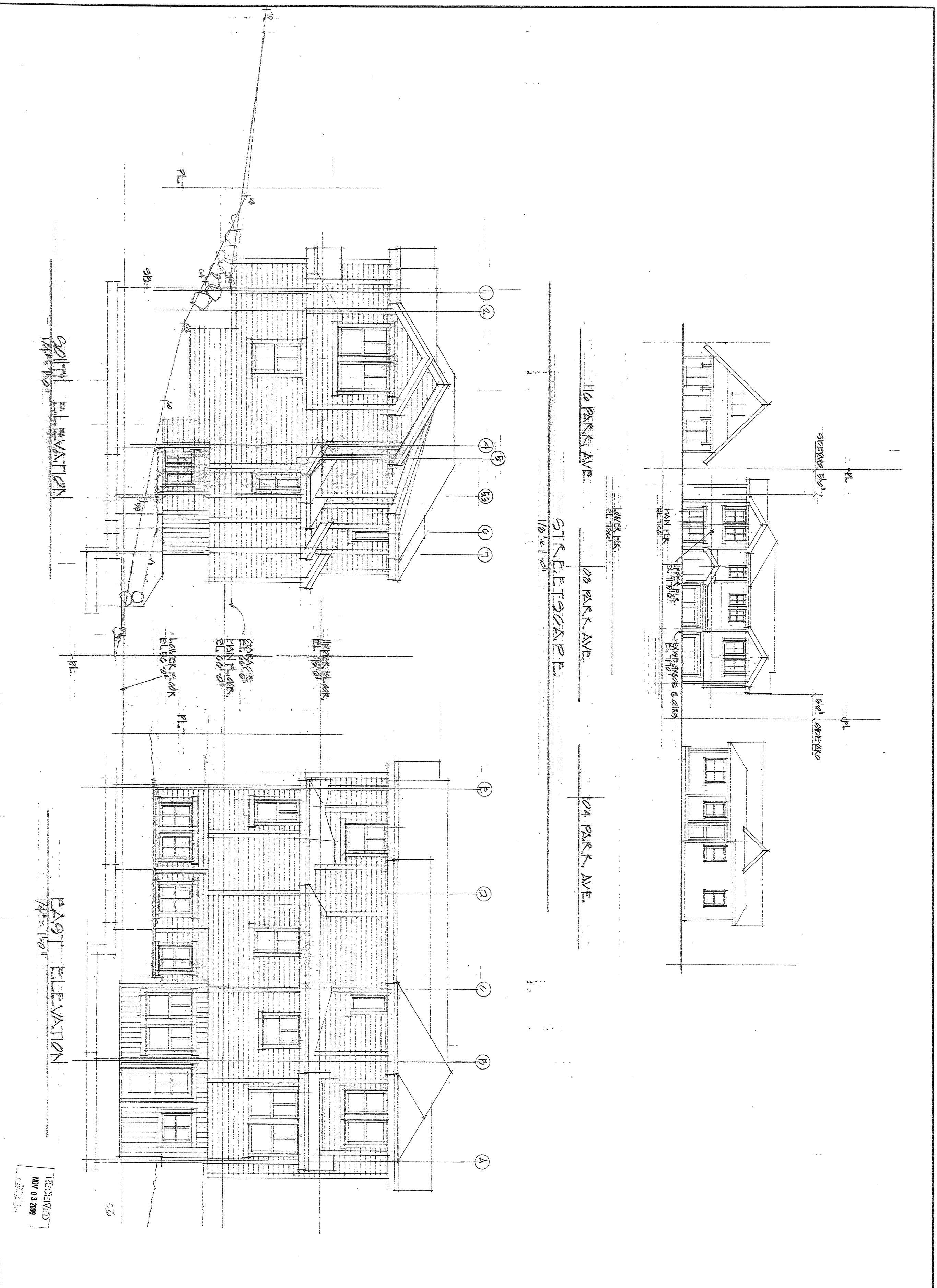

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REVISIONS
BY

Amendments to September 9, 2009. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

V. CONSENT AGENDA

1. 108 Park Avenue - Steep Slope CUP

MOTION: Commissioner Russack made a motion to REMOVE 108 Park Avenue from the Consent Agenda and move it to the Regular Agenda for discussion. Commissioner Pettit seconded the motion.
.
VOTE: The motion passed unanimously.

REGULAR AGENDA/PUBLIC HEARINGS

1. 108 Park Avenue - Steep Slope Conditional Use Permit

Planner Cattan reviewed the conditional use permit for a steep slope at 108 Park Avenue. The lot is vacant and new construction of a three-story building is proposed. The Staff had reviewed this application against the fifteen criteria and found preliminary compliance.
The Staff recommended that the Planning Commission review the conditional use permit and consider approving the application based on the findings of fact, conclusions of law and conditions of approval contained in the Staff report.

Planner Cattan reviewed the site plan, the north and rear elevations and a streetscape of the proposed project. She noted that the Staff had asked the applicant to add a porch detail in front of the entry way on the left side of the building.

Commissioner Hontz found the square footage numbers to be illegible on the copy of the drawing in the Staff report. David White, the project architect, stated that the total lot size was 2195 square feet, the allowable building footprint was 970 square feet and the actual building footprint was 969 square feet. The total living square footage was 2324,5 square feet and the garage area was 417 square feet.

Commissioner Pettit stated that the streetscape was helpful but not from a compatibility analysis perspective. She asked if there was any information regarding the footprint size of the historic house to the south, as well as the A-frame that is soon to be historic.

Mr. White stated that the house to the right had a main floor and a full basement. He indicated a series of A-frame structures and noted that the house next to the last A-frame was similar in size to the structure being proposed. The heights are nearly the same and the street is level. He indicated a point where the street dives and where the houses end.

Due to construction, Commissioner Pettit stated that she had been unable to do across canyon view. The Staff report indicated that the massing of the buildings would be hidden by the

Alaska house, but she wondered if that was true from across canyon view. Mr. White stated that because of the Alaska house, only a portion of the roof of the back of the structure would be slightly visible from the across canyon view.

Chair Thomas opened the public hearing.

There was no comment.

Chair Thomas closed the public hearing.

Commissioner Wintzer stated that he had looked from across the canyon and he agreed that most of the building mass and height would be hidden behind the Alaska House.

Commissioner Strachan found the plans to be vague and he deferred to the Commissioners who have expertise in reading plans. In his opinion, a streetscape comparing only two homes was not sufficient. He noted that none of the vantage points were discussed in the Staff report. Commissioner Strachan was not prepared to approve this application based on the supporting materials provided at this point. Commissioner Strachan pointed out that the discussion required by Code is how the project looks from different vantage points and some type of visual analysis, ideally in a picture, showing the proposed home compared to other homes in the surrounding area.
Commissioner Strachan commented on previous applications where the applicant had submitted a picture of the hillside and superimposed their project on to that picture. Those types of visual materials are helpful to him. If the other Commissioners would find that information helpful, he did not think it was unreasonable to make that request.

Commissioner Russack agreed and requested a better visual showing the articulation on the front. Mr. White walked through the elevations and the floor plans to show the stepping.

Chair Thomas pointed out that Sheet A1 on the site plan shows how the building modulates back and forth. He was comfortable with the stepping as proposed. Chair Thomas thought the Commissioners were having trouble reading the elevations and seeing the shadows and depths. He suggested that adding shadow lines at the wall breaks would help them better understand the modulation. He noted that two of the Commissioners had also requested an across canyon photograph.

Commissioner Pettit expressed concern with snow shed and snow storage issues. This is a challenged area based on the downhill lot and she suggested the possibility of increased setbacks to provide more on-site snow storage. Planner Cattan remarked that the setbacks on the plans are shown on the property line, and from the back of curb is actually 24 feet.

Commissioner Pettit commented on the hard surface in the driveway locations and she wanted to know where the snow would be stored on the property. Chair Thomas noted that the proposed roofing material is asphalt shingles and that would hold most of the snow. Commissioner Pettit understood the arguments on the snow shed but she was not satisfied that the issue was resolved.

MOTION: Commissioner Wintzer moved to APPROVE the conditional use permit for 108 Park Avenue in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Staff report. Commissioner Russack seconded the motion.

VOTE: The motion failed 2-3. Commissioners Pettit, Strachan and Hontz voted against the motion.
MOTION: Commissioner Strachan moved to CONTINUE the Steep Slope CUP for 108 Park Avenue to the first meeting in October. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

Commissioner Strachan clarified that the Commissioners would like a picture of the hillside encompassing the various street, not just Park Avenue, showing the existing houses, with the proposed project superimposed on to that picture. This would help the Planning Commission do a compatibility analysis of all the homes in the area. Mr. White clarified that they wanted something from across canyon. Commissioner Strachan replied that this was correct.

Chair Thomas recommended that the Planning Commissioners also do their own site visits and look at the adjacent properties. They have a responsibility to familiarize themselves with the property and the plans, as well as the across canyon views.

2. <u>1555 Iron Horse Loop Road - Pre-Master Planned Development</u>

Planner Cattan noted that 1555 Iron Horse Loop Road is the existing site of the Deer Valley Lodging and Park City Transportation. She stated that the purpose for reviewing a pre-master planned development is to find compliance with the General Plan. The Staff had issues regarding this project in terms of the LMC, however, those issues were not part of this review. The reason for identifying the issues was to make the applicant aware that the MPD application must comply with the setback and parking requirements of the zone.

Craig Elliott, representing the applicant, presented the proposed project. He noted that Iron Horse Drive is used as access to the apartment complex behind this project. Mr. Elliott reviewed a survey of the property to orient the Planning Commission to the site and to show the relationship of the property and how it works. He stated that the existing roadway has an existing non-exclusive easement. It is not a road but it is a piece for access with a setback.

Mr. Elliott stated that the proposal is for a mixed use project with a housing component, a commercial scenario and affordable housing. The parking is primarily underground. Mr. Elliott remarked that the applicant had also submitted greater detail on the project in order to get insight for the next step, which is the MPD process. He requested discussion on parking and the issues with the central tunnel. Mr. Elliot showed how they plan to use Iron Horse in the parking scenario to create a simple solution for accessing commercial. They are currently considering live/work spaces on one end and to look at larger retail spaces. He noted that a link was created as a walkway and boardwalk all around the perimeter of the building. They understand that the City has a future pull-out design of Bonanza for a bus stop and they

Chair Thomas called for discussion on the bulk and mass and how it relates to adjacent structures. He stated that stepping back the building from the properties to the south helped minimize the massing. At first glance, it appeared to be consistent with the masses beyond. He remarked that the parking level distinguishes the building, and the siting and orientation of the siting appears to work. The transition from the horizontal to the vertical also works. Chair Thomas stated that the gable ends break up the massing and he felt the design was consistent with the Code in terms of the in and out and breaking of the facade.
Commissioner Wintzer agreed.

Commissioner Strachan was comfortable with the mass and scale. He stated that the PCMR parking lots will eventually be built and the area is already a hodge podge of massing and uses. Once the parking lots are built, this would be one of the smaller structures. Commissioner Strachan felt this was a nice compromise for affordable housing because it is not too larger or too small. It is the right number of units in the right location.

Commissioner Peek agreed with is fellow Commissioners. Adjacent to parking lots at the ski resort is a good location for an affordable housing project.

Commissioner Wintzer asked if this project was being proposed as an affordable housing complex or if it would be in the future. Mr. Elliott replied that the project is intended to be affordable housing. He explained that it was not submitted under the affordable housing MPD because the zoning as written has issues with the ordinance. The affordable housing portion of the MPD encourages greater density but does not allow it to happen based on how the language is written.

108 Park Avenue - Steep Slope CUP

Chair Thomas asked why this item was on work session and not the regular agenda.
Planner Sintz replied that it was scheduled for work session to provide further analysis based on comments that were made during the August 23rd meeting about providing an across canyon view, a streetscape and shading of the building to differentiate the building form. The Planning Commission has requested that this item come back in work session for discussion. Depending on the comments this evening, the Staff recommended that this item come back on the Consent Agenda on September 23rd or for further discussion on October 14th. Planner Sintz noted that David White, the project architect, had provided shading and elevations and a streetscape, which were included in the Staff report. Mr. White also provided color 3-D across canyon views that he intended to present.

Assistant City Attorney, Polly Samuels McLean, noted that the item was continued to a date certain at the last meeting. As reflected in the minutes, the item was continued to the first meeting in October, which is October 14th. Ms. McLean advised that whether it comes back as a Consent Agenda or for further discussion, it should not come back until October 14th.

Chair Thomas stated that he had requested the shaded elevations and he believed it made a difference in reading the elevations. He remarked that the Planning Commission should expect that same approach for every application. Drawings should be shaded to aid in reading and interpreting the elevations.

Commissioner Strachan stated that he had requested the streetscape and it helped him evaluate compatibility. He felt this project was headed in the right direction. However, he was concerned that the two A-frames to the north and the two A-frames to the west, as well as the one to the south, were smaller scale structures. He was concerned that the plan as proposed could raise compatibility issues.

Mr. White pointed out that the second A-frame down from the subject house is a three-story A-frame on a 50 foot wide lot. He was unsure of the actual square footage. Mr. White stated that the floor elevations for that structure was shown on the streetscape. An addition has been added to one side of the A-frame structure. Mr. White noted that the home north of the A-frame is a new structure and it is also three-stories and larger than the one being proposed. Commissioner Strachan stated that he had walked the site and he did not find that new home to be compatible. Mr. White noted that the size of the structure in his proposal was 2300 square feet.

Planner Sintz noted that the Staff had done a comparison for 80 King Road and she offered to do a similar analysis on the surrounding properties. Commissioner Strachan agreed with Chair Thomas that every application should contain certain elements and he would like that analysis for every application.

Looking at the streetscape, Commissioner Peek compared the facades and ridge heights for 104 Park Avenue and 108 Park Avenue and found them to be similar in mass and scale. He felt the proposed project was going in the right direction.

Commissioner Hontz stated that she had expressed concerns at the last meeting and those concerns were addressed in the additional information presented this evening. She was more comfortable with the project and echoed Chair Thomas in terms of the materials they expect to see with every application.

Planner Sintz asked if the Planning Commission needed other information in addition to the comparison of stories and square footage of adjacent buildings. No one had additional comments or requests.

Commissioner Wintzer suggested that this could come back on October 14th as a Consent Agenda item. The Commissioners concurred.

MOTION: Commissioner Wintzer moved to APPROVE the conditional use permit for 108 Park Avenue in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Staff report. Commissioner Russack seconded the motion.

VOTE: The motion failed 2-3. Commissioners Pettit, Strachan and Hontz voted against the motion.
MOTION: Commissioner Strachan moved to CONTINUE the Steep Slope CUP for 108 Park Avenue to the first meeting in October. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

Commissioner Strachan clarified that the Commissioners would like a picture of the hillside encompassing the various street, not just Park Avenue, showing the existing houses, with the proposed project superimposed on to that picture. This would help the Planning Commission do a compatibility analysis of all the homes in the area. Mr. White clarified that they wanted something from across canyon. Commissioner Strachan replied that this was correct.

Chair Thomas recommended that the Planning Commissioners also do their own site visits and look at the adjacent properties. They have a responsibility to familiarize themselves with the property and the plans, as well as the across canyon views.

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Craig Elliott, representing the applicant, presented the proposed project. He noted that Iron Horse Drive is used as access to the apartment complex behind this project. Mr. Elliott reviewed a survey of the property to orient the Planning Commission to the site and to show the relationship of the property and how it works. He stated that the existing roadway has an existing non-exclusive easement. It is not a road but it is a piece for access with a setback.

Mr. Elliott stated that the proposal is for a mixed use project with a housing component, a commercial scenario and affordable housing. The parking is primarily underground. Mr. Elliott remarked that the applicant had also submitted greater detail on the project in order to get insight for the next step, which is the MPD process. He requested discussion on parking and the issues with the central tunnel. Mr. Elliot showed how they plan to use Iron Horse in the parking scenario to create a simple solution for accessing commercial. They are currently considering live/work spaces on one end and to look at larger retail spaces. He noted that a link was created as a walkway and boardwalk all around the perimeter of the building. They understand that the City has a future pull-out design of Bonanza for a bus stop and they

CONSENT AGENDA

1. 108 Park Avenue - Steep Slope Conditional Use Permit

MOTION: Commissioner Russack made a motion to MOVE 108 Park Avenue to the Regular Agenda for further discussion and public hearing. Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA/PUBLIC HEARINGS

1. 108 Park Avenue - Steep Slope CUP
(Application #PL-0500160)

Planner Cattan reviewed the application for a single family home at 108 Park Avenue, located on a steep slope greater than 30%. At a previous meeting the Planning Commission requested a square footage analysis of the neighboring homes. The Staff had prepared that analysis on ten surrounding homes, which was included in the Staff report. Planner Cattan stated that she had also done an analysis with the new home at 160 Park Avenue. At the last meeting, the project architect, David White, had presented cross canyon views and those were also available this evening.

Planner Cattan noted that she had sent the Commissioners emails from a number of the public regarding the property.

Mr. White believed he had provided all the information previously requested and he was prepared to answer questions.

Chair Wintzer opened the public hearing.

Ruth Meintsma, a resident at 305 Woodside, assumed the Planning Commission had received a copy of an email she had sent with concerns regarding the views from Main Street. She suggested that the applicant show a representation of this project in terms of what would be seen from Main Street. Ms. Meintsma stated that she had emailed her request to the Planning Department on October 2nd in hopes that it would be passed on to the applicant. She was disappointed that Mr. White had not been informed and had nothing prepared.

Ms. Cattan explained that due to a mix-up, the email was not forwarded to her until yesterday.

Ms. Meintsma felt the views from Main Street should be addressed and considered. She commented on the historic houses that did not burn in the fire she believes this house would be very visible from Main Street.

Mr. White replied that only a corner of the new house would be visible from Main Street.

Chair Wintzer closed the public hearing.

Commissioner Thomas stated that he was not concerned about the Main Street view and noted that the Planning Commission had not identified that as a critical view. Commissioner Thomas thought the analysis was well-done and the new documentation showing the photographs with the arrows pointing to specific lots was excellent. Mr. White had shown the cross canyon views, he had shaded the elevations and done all the requested analysis. Commissioner Thomas was comfortable with the project.

Commissioner Strachan stated that he was comfortable with this plan at the last meeting. He echoed the comments made by Commissioner Thomas.

MOTION: Commissioner Thomas moved to APPROVE the Steep Slope CUP for 108 Park Avenue based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Staff report. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

<u>Findings of Fact - 108 Park Avenue</u>

1. The property is located at 108 Park Avenue.

2. The lot area is approximately 2195 square feet.

3. The zoning is Historic Residential (HR-1).

4. Because the proposed dwelling square footage is greater than 1,000 square feet, and would be constructed on a slope greater than 30%, the applicant is required to file a Conditional Use Permit Application for review by the Planning Commission, pursuant to Section 15-2.1-6 of the LMC.

5. The neighborhood is characterized by single-family new and historic homes, as well as duplexes and multi-family homes.

6. The 108 Park Avenue Replat amended Lot A of the Morrison Re-subdivision which was recorded with incorrect lot lines due to surveyor error.

7. The minimum lot size in the HR-1 zone is 1,875 square feet for a single family home.

8. The LMC minimum lot width in th HR-1 zone is 25 feet. The lot width of the amended lot is 50 feet.

9. The maximum height limit on the HR-1 zone for a structure is 27 feet above existing grade. The height of the new structure does not exceed this limit.

10. Setbacks for the lot are 5' minimum on the sides with a combined minimum of 10', and a 10' minimum in the front and rear yards. The proposed new structure complies with the setback requirements of the zone.

11. The new single family home at 108 Park Avenue and the driveway leading to the new structure is located on a slope greater than 30% and is larger than 1000 square feet.

12. Because the proposed dwelling square footage is greater than 1,000 square feet, and would be constructed on a slope greater than 30%, the applicant is required to file a Conditional Use Permit Application for review by the Planning Commission, pursuant to Section 15-2.1-6 of the LMC.

13. All findings within the Analysis section are incorporated herein.

<u>Conclusions of Law - 108 Park Avenue</u>

1. The application complies with all requirements of Section 15-2.1-6 of the Land Management Code.

2. The proposed use, as conditioned, is compatible with the surrounding residential and commercial structures in use, scale, mass and circulation.

3. As conditioned, the use is consistent with the Park City General Plan.

4. The effects of any differences in sue and scale have been mitigated through careful planning.

<u>Conditions of Approval - 108 Park Avenue</u>

1. All Standard Project Conditions shall apply.

2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. Measures to protect existing vegetation shall be included in the Construction Mitigation Plan (CMP).

3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.

4. A landscape plan is required with the building permit. Changes to an approved plan must be reviewed and approved prior to landscape installation.

5. No building permits shall be issued for this project unless and until the design of the house is reviewed and approved by the Planning Department Staff for compliance with the Historic District Design Guidelines.

6. The Building Department may require a shoring plan, depending on the cut of the excavation. If a shoring plan is required it must be in compliance with the International Building Code.

7. This approval will expire on October 14, 1010, if a building permit has not been issued.

8. Approval is based on plans dated July 21, 2009 and reviewed by the Planning Commission on October 14, 2009. Building Permit plans must substantially comply with the approved set of plans.

2. 518 Deer Valley Drive - Subdivision
(Application #PL-09-00733)

Planner Francisco Astorga reviewed the application for a subdivision to create one lot of record outside of the Park City survey. The Planning Commission previously reviewed this application on August 26th, at which time the applicant requested a continuance to address a condition of approval proposed by Staff to limit access off of Deer Valley Loop Road. The Planning Commission indicated to Staff that they were comfortable with access off of Deer Valley Drive if the applicant could demonstrate that a vehicle could pull out forward rather than backwards on to the road.

Planner Astorga stated that he and the applicant met with the City Engineer and it was determined that access off of Deer Valley Drive would be acceptable if the applicant could provide the requested plan.

The Staff recommended that the Planning Commission review the application, conduct a public hearing and consider forwarding a positive recommendation to the City Council for the Glory Hole subdivision, based on the Findings of Fact, Conclusions of Law and Conditions of Approval.

Commissioner Russack referred to two recent projects on Deer Valley Drive and asked if they were required to demonstrate the same plan for pulling forward. Planner Robinson stated that one project goes through to Deer Valley Loop Road and has parking. They also had room to turn around and go out forward. The second project has a road behind it and a singular driveway for two units that can accommodate a K-turn to go out forward.

The applicant, Jennifer Josephs, read a letter she had prepared objecting to the October 14th, 2009 Staff report and to the findings of fact and conditions of approval placed on the Glory Hole Subdivision. Ms. Josephs requested that the Planning Commission re-evaluate two specific issues where the Staff had selectively applied the Park City Master Plan to hinder functional development of her property. She did not believe the Staff had fully considered the recommendations and the intent of the Street Master Plan to aid in making their determination.
Ms. Josephs noted that the analysis contained in the Staff report states that the property has two fronts; Deer Valley Loop Road and Deer Valley Drive, as well as a side facing street, the Provo Street Right of Way. The analysis further states that lots may not derive access exclusive from an arterial or collector street as defined in the Streets Master Plan. She pointed out that the statements of the analysis are relied upon in Findings10, 13, 16, 17 and 18.

Planning Commission
Staff Report

Subject: 108 Park Avenue
Author: Katie Cattan
Date: October 14, 2009
Type of Item: Administrative- Steep Slope CUP

PARK CITY
1884
PLANNING DEPARTMENT

Summary Recommendation

Staffs recommends the Planning Commission review the proposed steep slope Conditional Use Permit (CUP) and consider approving the application based on the finding of facts, conclusions of law, and conditions of approval herein.

Topic

Applicant:	Dawn and Greg Vagstad
Location:	108 Park Avenue
Zoning:	Historic Residential (HR-1)
Adjacent Land Uses:	Residential
Reason for Review:	Buildings on Steep Slopes greater than 30% require a CUP

Background

On August 15, 2006, the applicant submitted a complete application for a conditional use permit for construction on a steep slope at 108 Park Avenue. Staff identified the need for a plat amendment after the initial review of the application. On March 12, 2009 the City Council approved the plat amendment for 108 Park Avenue. The lot at 108 Park Avenue is vacant and all existing encroachments have been memorialized within the recent plat amendment.

The applicant seeks approval for new construction of a single family dwelling at 108 Park Avenue. Because the proposed dwelling square footage is greater than 1,000 square feet, and would be constructed on a slope greater than 30%, the applicant is required to file a Conditional Use Application for review by the Planning Commission, pursuant to Section 15-2.1-6 of the LMC. The steepest portion of the lot is located within the 10 feet front yard. The lot begins 23 feet from the curb of Park Avenue and is located on the downhill (east) side.

Three additional applications have been submitted in conjunction with the Steep Slope CUP. A plat amendment, a historic district design review, and a variance application have been reviewed by staff. The plat amendment was approved on March 12, 2009 by City Council. A variance for a reduction in the front yard setback was denied by the Board of Adjustment on March 20, 2007. Staff has found preliminary compliance with the Historic District Design Guidelines, pending the steep slope CUP review by the Planning Commission.

The current design before the Planning Commission has changed significantly since the original submittal. The original design required a variance to the front yard setback to accommodate a garage. Since the variance was denied, the applicant (using a new architect) revised the design to comply with the strict application of the setbacks. Although this application was received in August of 2006 and is vested under the previous code, the applicant has chosen to re-design within the new LMC regulations for three stories in HR-1 zone. However, the application does not meet the required 10 feet step in facade on the downhill side of the building required in the recent LMC changes. Due to previous vesting, the step in the façade is not required.

On August 23, 2009, the Planning Commission reviewed the application for a conditional use permit for construction on a steep slope at 108 Park Avenue. The Planning Commission requested that the architect provide further analysis of across canyon view of the property, shaded elevations, and expand the streetscape.

The Planning Commission reviewed the CUP during work session on September 9, 2009. The site plan, floor plans, shaded elevations, expanded streetscape, and across canyon view were reviewed. The Planning Commission requested a square footage comparison of the existing homes in the area. This comparison is included within the Analysis section of this report. The full size plans and across canyon views are available at the Planning Department for public review.

Analysis

The applicant proposes new construction at 108 Park Avenue in the HR-1 zone. Staff has reviewed the proposed design and made the following LMC related findings:

Land Management Code Compliance

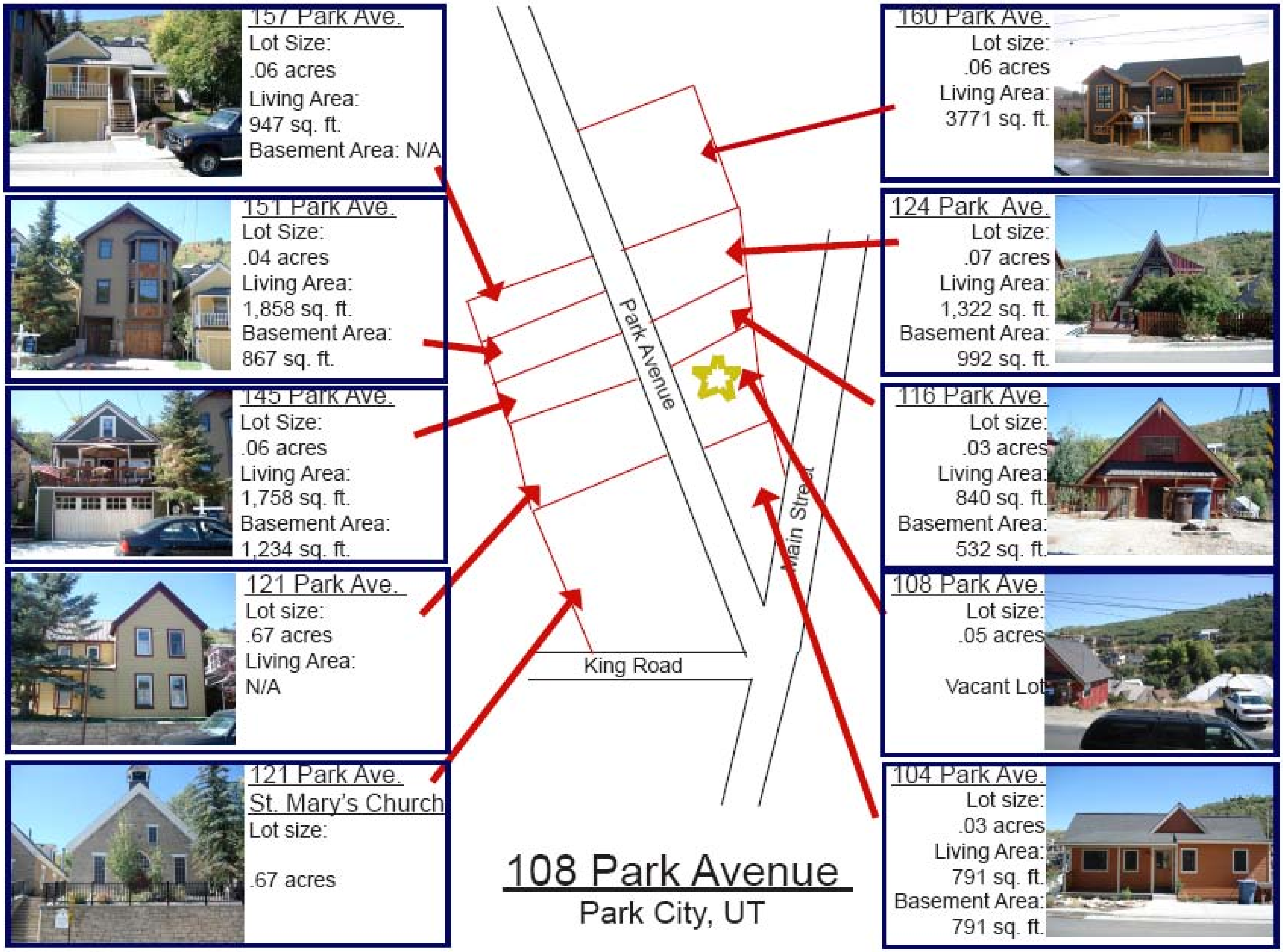
Requirement	**LMC Requirement**	**Proposed**
Lot Size	1,875 square feet, minimum	2195 square feet, complies
Building Footprint	970 square feet, maximum	970 square feet, complies
Front and Rear Yard	10 feet, minimum	10 and 10 feet, complies
Side Yard	5 feet minimum,10 ft. total	5 feet and 6 feet, complies
Height	27 feet above existing grade, maximum	26 feet 6 inches above existing grade
Parking	2 on-site spaces	Two - 20’ x 20’ space in garage, complies
Stories	3 maximum	3 proposed, complies
Roof Pitch	7:12 minimum	7:12 proposed, complies

During the September 9, 2009 Planning Commission meeting, the Commission requested a square footage analysis of the surrounding properties. The Commission stated concern for mass and scale of the new construction at 160 Park Avenue. The following is a comparison between the proposed project at 108 Park Ave and the home at 160 Park Avenue.

Requirement	**108 Park Ave**	**160 Park Ave**
Lot Size	2195 square feet	2,621 square feet
Building Footprint	970 square feet	1,108 square feet
Front and Rear Yard	10 and 10 feet	10 feet rear, front porch at 7 feet, 10 feet wide meeting exception;
Side Yard	5 feet and 6 feet	5 feet,
Height	26 feet 6 inches above existing grade	Requesting Exception to 31 feet above existing
Parking	Two	Two

The lot at 160 Park Avenue is 421 square feet larger than the lot at 108 Park Avenue. The footprint of the home at 160 Park Avenue is 130 square feet larger than the proposed footprint at 108 Park Avenue. The total square footage of the home at 160 Park Avenue is 3771 square feet, with one full story completely buried. The total square footage of the proposed home at 106 Park Avenue is 2743.5 within the three stories and including the garage.

The following is a neighborhood comparison of homes, lot size, and square footage as measured within the county records.


157 Park Ave.
Lot Size:
.06 acres
Living Area:
947 sq. ft.
Basement Area: N/A
151 Park Ave.
Lot Size:
.04 acres
Living Area:
1,858 sq. ft.
Basement Area:
867 sq. ft.
145 Park Ave.
Lot Size:
.06 acres
Living Area:
1,758 sq. ft.
Basement Area:
1,234 sq. ft.
121 Park Ave.
Lot size:
.67 acres
Living Area:
N/A
121 Park Ave.
St. Mary's Church
Lot size:
.67 acres
Park Avenue
Main Street
King Road
160 Park Ave.
Lot size:
.06 acres
Living Area:
3771 sq. ft.
124 Park Ave.
Lot size:
.07 acres
Living Area:
1,322 sq. ft.
Basement Area:
992 sq. ft.
116 Park Ave.
Lot size:
.03 acres
Living Area:
840 sq. ft.
Basement Area:
532 sq. ft.
108 Park Ave.
Lot size:
.05 acres
Vacant Lot
104 Park Ave.
Lot size:
.03 acres
Living Area:
791 sq. ft.
Basement Area:
791 sq. ft.
108 Park Avenue
Park City, UT

Section 15-2.1-6 of the LMC provides for development on steep lots in excess of one thousand square feet (1,000 sq. ft.) within the HR-1 zone, subject to the following criteria:

Criteria 1: Location of Development. Development is located and designed to reduce visual and environmental impacts of the structure. **COMPLIES**
The lot is a downhill lot characterized by a steep slope along the front property line and a more gradual slope in the center and rear of the lot. The home is proposed to be constructed on the center of the lot. Access the garage will be through the steepest portion of the lot. The lot line is located 23 feet behind the existing curb and gutter on the lot. With the 10 foot front yard setback, the home will be located 33 feet from the back of curb.

Criteria 2: Visual Analysis. The applicant must provide the Planning Department with a visual analysis of the project from key vantage points to determine the potential impacts of the project. **COMPLIES**
The applicant has provided a streetscape (Exhibit B) for the property that indicates that it is adjacent to small single family homes on either side. The home at 104 Park Avenue, located to the South of the property, is listed on the Park City historic site inventory as “significant”. The following are pictures the adjacent properties.


The home to the north of the project is not historic and it encroaches onto the property at 108 Park Avenue. The project will also be visible from Main Street, yet mostly screened by the Alaskan House located along the back property line. The proposed home is within the height requirement of 27 feet. It is placed 33 feet back from the edge of the street due to the location of the property line. As shown in the streetscape, the home is located down the hill and the ridgeline elevations are similar to the adjacent structures. The applicant has submitted an across canyon view of the proposed home that is available at the Planning Department and will be brought to the Planning Commission meeting.

Criteria 3: Access. Access points and driveways must be designed to minimize grading of the natural topography and to reduce overall building scale. **COMPLIES**
Access to the home is from Park Avenue. The driveway is located to the south side of the lot. Due to the steepness of the front yard of the lot, retaining is necessary for garage access. There will be a retaining along the north side of the driveway. This retaining wall may not exceed four feet in the front yard. The grade into the garage is 14%, the maximum allowed by the City Engineer.

Criteria 4: Terrace. The project must provide terraced retaining structures to regain natural grade**. COMPLIES**
The lot is steep along the front lot line. Retaining is necessary for the driveway. The retaining wall will assist in retaining the natural grade of the sloped front yard. The rock retaining wall will also assist in creating a patio area in the front yard consistent with design features in the historic district. No portion of the rock retaining wall will be greater than four feet. The rock retaining wall shall be of stacked rock that is historically compatible in the historic residential district, not rock boulders.

Criteria 5: Building Location. Building, Access and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the site. **COMPLIES**
The building will be located on the least steep portion of the lot. The access to the

building will require some fill and retaining altering the natural topography of the site slightly. The retaining wall will not exceed 4 feet in height and therefore the grade will be within 4 feet of natural grade at the greatest area of change.

Criteria 6: Building Form and Scale. Where building masses orient against the Lot's existing contours, the structures must be stepped with the grade and broken into a series of individual smaller components that are compatible with the District.
COMPLIES
The lot is unique in that it wider than it is long. The mass of the building is located on the center of the lot expanding the width of the lot from north to south with the parallel contours of the lot. The are not major steps within the building due to the configuration of the site. The Architect has added several dormers to break up the form and scale of the building.

Criteria 7: Setbacks. The Planning Commission may require an increase in one or more setbacks to minimize the creation of a wall effect along the Street front and/or rear Property Line. The Setback variation will be a function of the building, site constraints, proposed Building scale, and Setbacks on adjacent Structures. **COMPLIES**
The front and rear yard setback for the lot is 10 feet. The architect has stepped the building along the front façade along three different planes in five different sections. Each of the steps is approximately 3 to 4 feet. Of the 40 feet wide structure, the longest unbroken façade is 11 feet.

Criteria 8: Dwelling Volume. The maximum volume of any structure is a function of the Lot size, Building height, setbacks and provisions set forth in this Chapter. The Planning Commission may further limit the volume of a proposed structure to minimize its visual mass and/or to mitigate difference in scale between a proposed structure and existing structures**. COMPLIES**
The structure is located on a 50 feet wide lot. The volume of the structure is located central to the lot and reaches 40 feet across the lot. The architect has stepped the façade of the structure to decrease the perceived volume of the structure. A step in the façade of the garage doors and the cross gables assist in breaking up the total volume of the building.

Criteria 9: Building Height (Steep Slope). The maximum Building Height in the HR-1 District is twenty-seven feet (27'). The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed structure to minimize its visual mass and/or to mitigate differences in scale between a proposed structure and existing residential structures. **COMPLIES**
The height of the new structure complies with the 27 feet maximum height in the HR-1.

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

Process
The approval of this application by the Planning Commission constitutes Final Action that may be appealed following the procedures found in LMC 1-18. The applicant has submitted an application for Historic District Design Review. Staff review of a Building Permit is not subject to review by the Planning Commission unless appealed.

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

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

Alternatives
- The Planning Commission may approve the 108 Park Avenue Steep Slope CUP as conditioned or amended; or
- The Planning Commission may deny the 108 Park Avenue Steep Slope CUP and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the 108 Park Avenue Steep Slope CUP.

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

Consequences of not taking the Suggested Recommendation
The property would remain as is and no construction could take place.

Recommendation
Staffs recommends the Planning Commission review the proposed steep slope Conditional Use Permit (CUP) as a Consent Agenda item and consider approving the application based on the finding of facts, conclusions of law, and conditions of approval herein.

Findings of Fact:
1. The property is located at 108 Park Avenue.
2. The lot area is approximately 2195 square feet.
3. The zoning is Historic Residential (HR-1).
4. Because the proposed dwelling square footage is greater than 1,000 square feet, and would be constructed on a slope greater than 30%, the applicant is required

to file a Conditional Use Permit Application for review by the Planning Commission, pursuant to Section 15-2.1-6 of the LMC

5. The neighborhood is characterized by single family new and historic homes, as well as duplexes and multi-family homes.
6. The 108 Park Avenue Replat amended Lot A of the Morrison Re-Subdivision which was recorded with incorrect lot lines due to surveyor error.
7. The minimum lot size in the HR-1 zone is 1,875 square feet for a single family home.
8. The LMC minimum lot width in the HR-1 zone is 25 feet. The lot width of the amended lot is 50 feet.
9. The maximum height limit in the HR-1 zone for a structure is 27 feet above existing grade. The height of the new structure does not exceed this limit.
10. Setbacks for the lot are 5' minimum on the sides with a combined minimum of 10', and 10' minimum in the front and rear yards. The proposed new structure complies with the setback requirements of the zone.
11. The new single family home at 108 Park Avenue and the driveway leading to the new structure is located on a slope greater than 30% and is larger than 1000 square feet.
12. Because the proposed dwelling square footage is greater than 1,000 square feet, and would be constructed on a slope greater than 30%, the applicant is required to file a Conditional Use Permit Application for review by the Planning Commission, pursuant to Section 15-2.1-6 of the LMC
13. All findings within the Analysis section are incorporated herein.

Conclusions of Law:

1. The application complies with all requirements of Section 15-2.1-6 of the Land Management Code.
2. The proposed use, as conditioned, is compatible with the surrounding residential and commercial structures in use, scale, mass and circulation.
3. As conditioned the use is consistent with the Park City General Plan.
4. The effects of any differences in use and scale have been mitigated through careful planning.

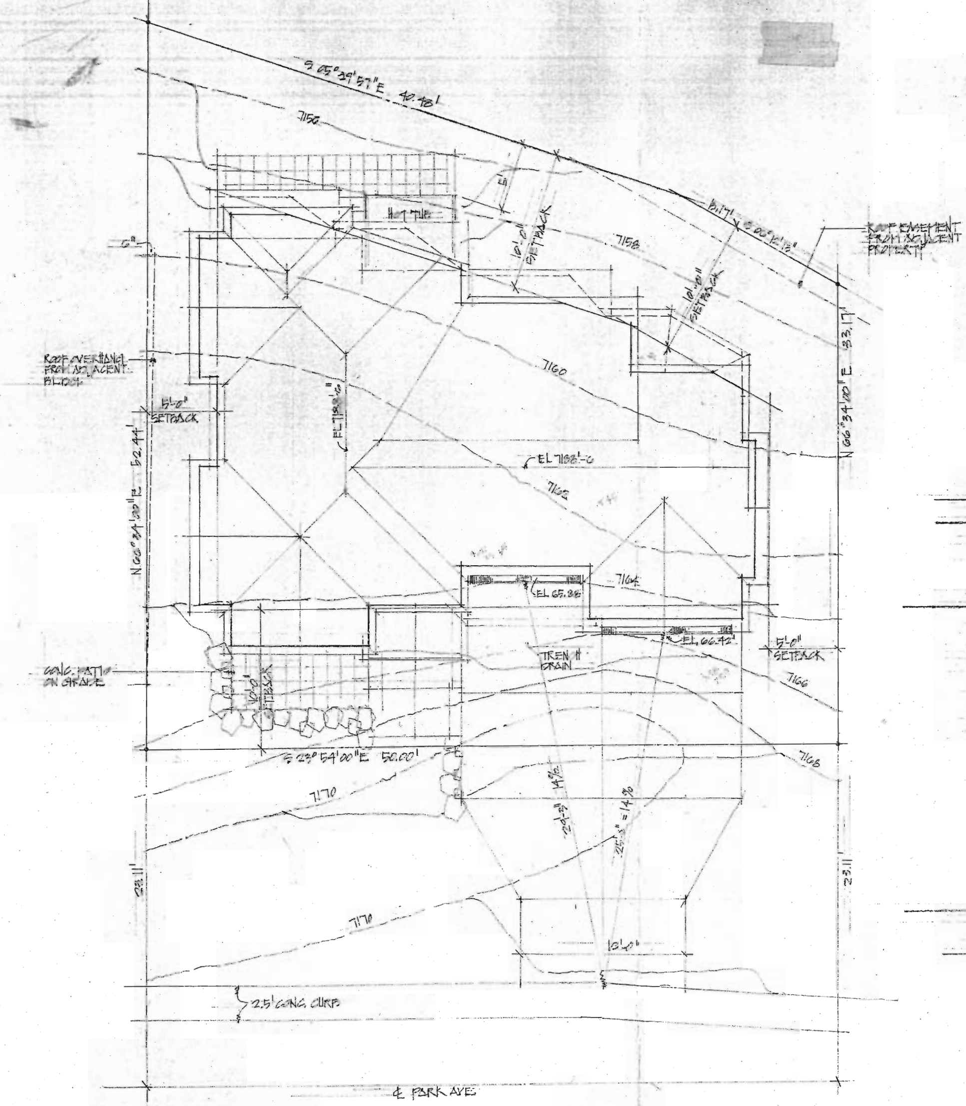
Conditions of Approval:

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. Measures to protect existing vegetation shall be included in the Construction Mitigation Plan (CMP).
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
4. A landscape plan is required with the building permit. Changes to an approved plan must be reviewed and approved prior to landscape installation.

5. No building permits shall be issued for this project unless and until the design of the house is reviewed and approved by the Planning Department staff for compliance with the Historic District Design Guidelines.
6. The Building Department may require a shoring plan, depending on the cut of the excavation. If a shoring plan is required it must be in compliance with the International Building Code.
7. This approval will expire on October 14, 2010, if a building permit has not been issued.
8. Approval is based on plans dated July 21, 2009 and reviewed by the Planning Commission on October 14, 2009. Building Permit plans must substantially comply with the approved set of plans.

EXHIBITS:

Exhibit A – Plans
Exhibit B – Streetscape



A NEW RESIDENCE FOR
GREG & DAWN VAGSTAD

108 PARK AVE.
PARK CITY, UTAH

PROJECT DATA

- LOT SIZE 2195 S.F.
- ALLOWABLE BUILDING FOOTPRINT 910.14 S.F.
- ACTUAL BUILDING FOOTPRINT 969 S.F.
- LIVING S.F. 2326.5 S.F.
- GARAGE S.F. 417 S.F.

SITE PLAN
1/4" = 1'-0"
ROOF OVER TOPO

RECEIVED
AUG 03 2009
PARK CITY
PLANNING DEPT.

REVISIONS	BY

DAVID G. WHITE, ARCHITECT
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(435) 649-8379 FAX: (435) 655-8845
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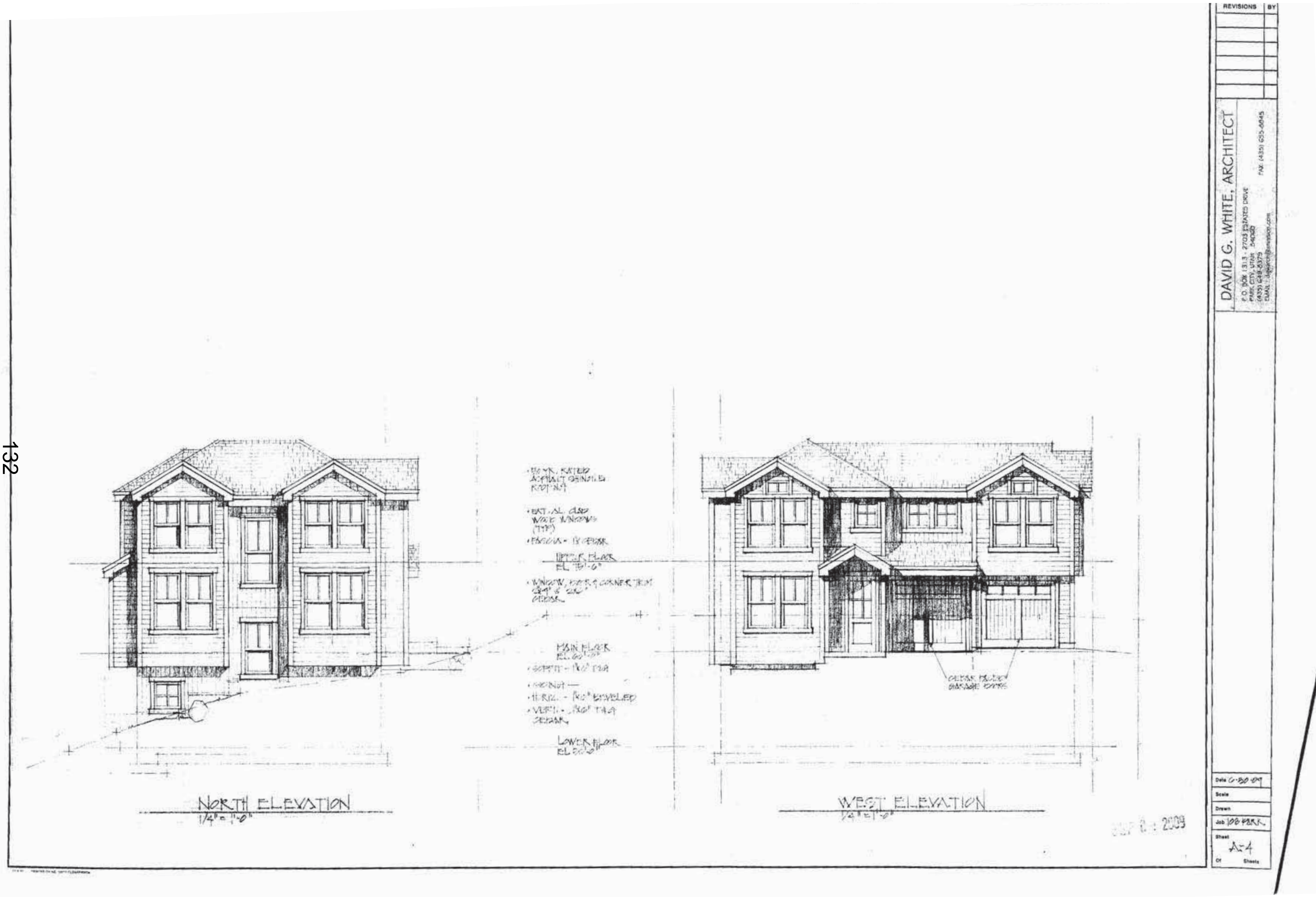
Date	6-30-09
Scale	
Drawn	
Job	108 PARK
Sheet	A-1
Of	Sheets


NORTH ELEVATION
1/4" = 1'-0"
WEST ELEVATION
1/4" = 1'-0"
UPPER FLOOR
MAIN FLOOR
LOWER FLOOR
REVISIONS
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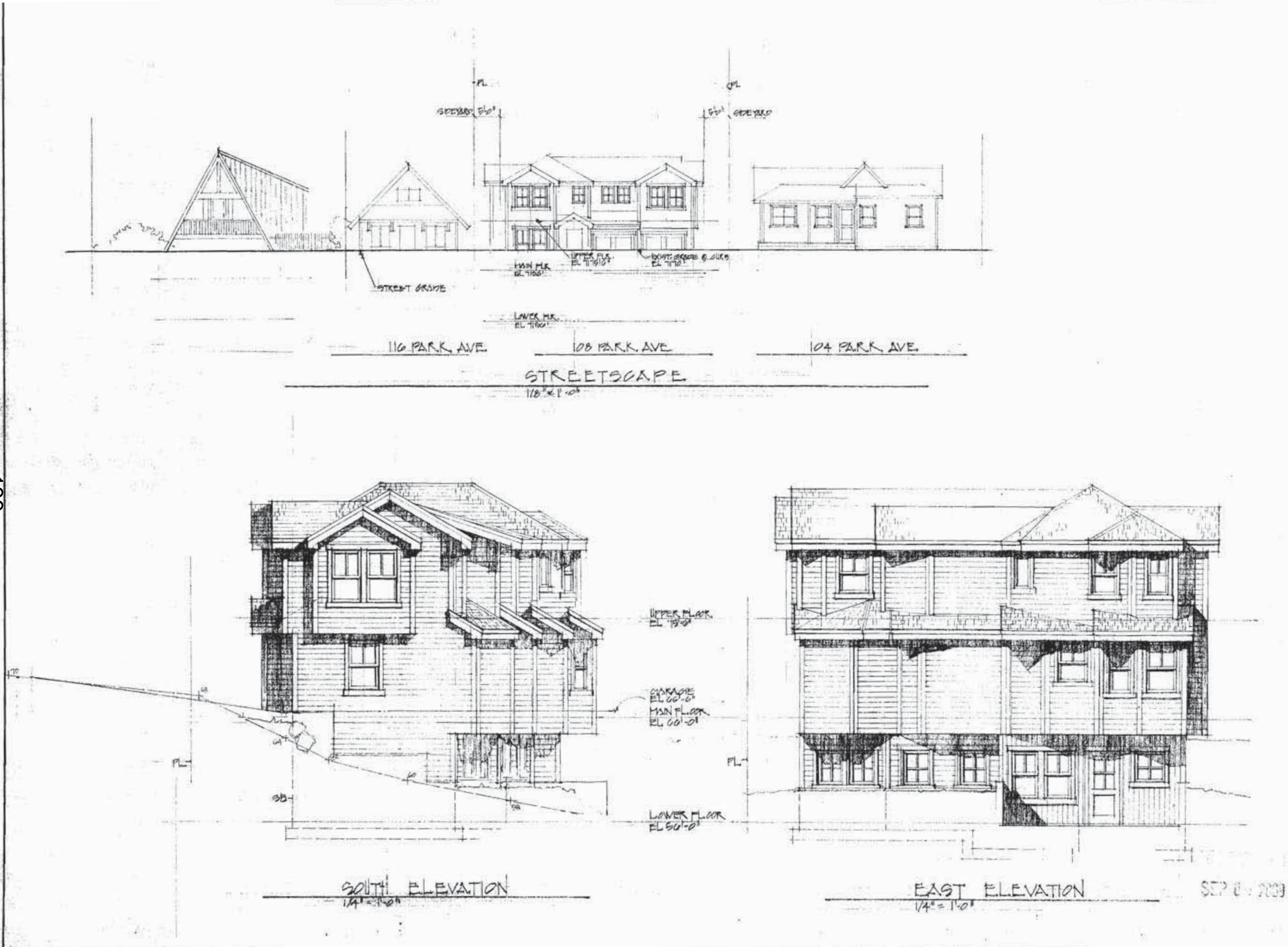
Date 6-30-09
Scale
Drawn
Job 108 PARK
Sheet
A-4
Of
Sheets
SEP 0 2009



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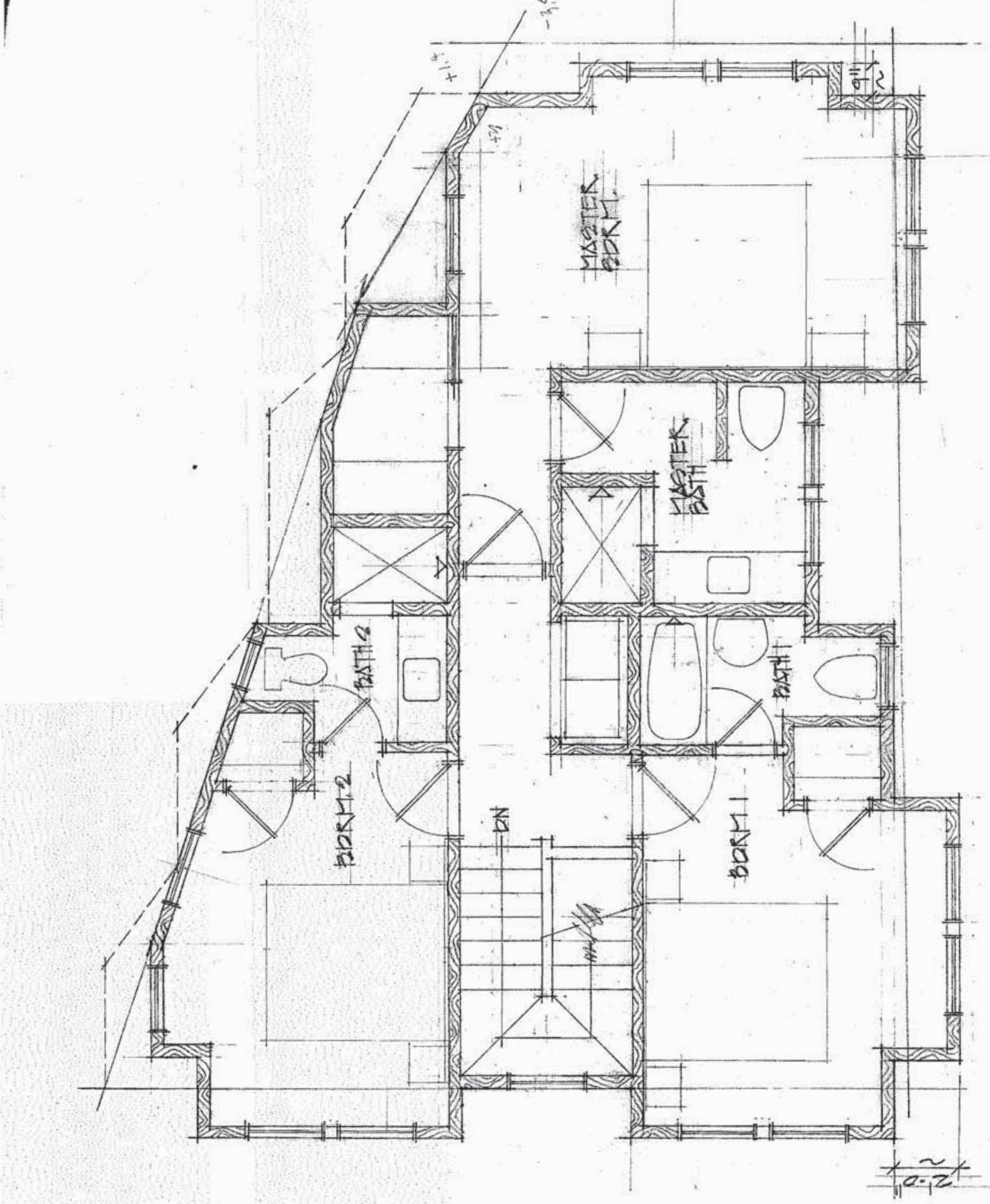
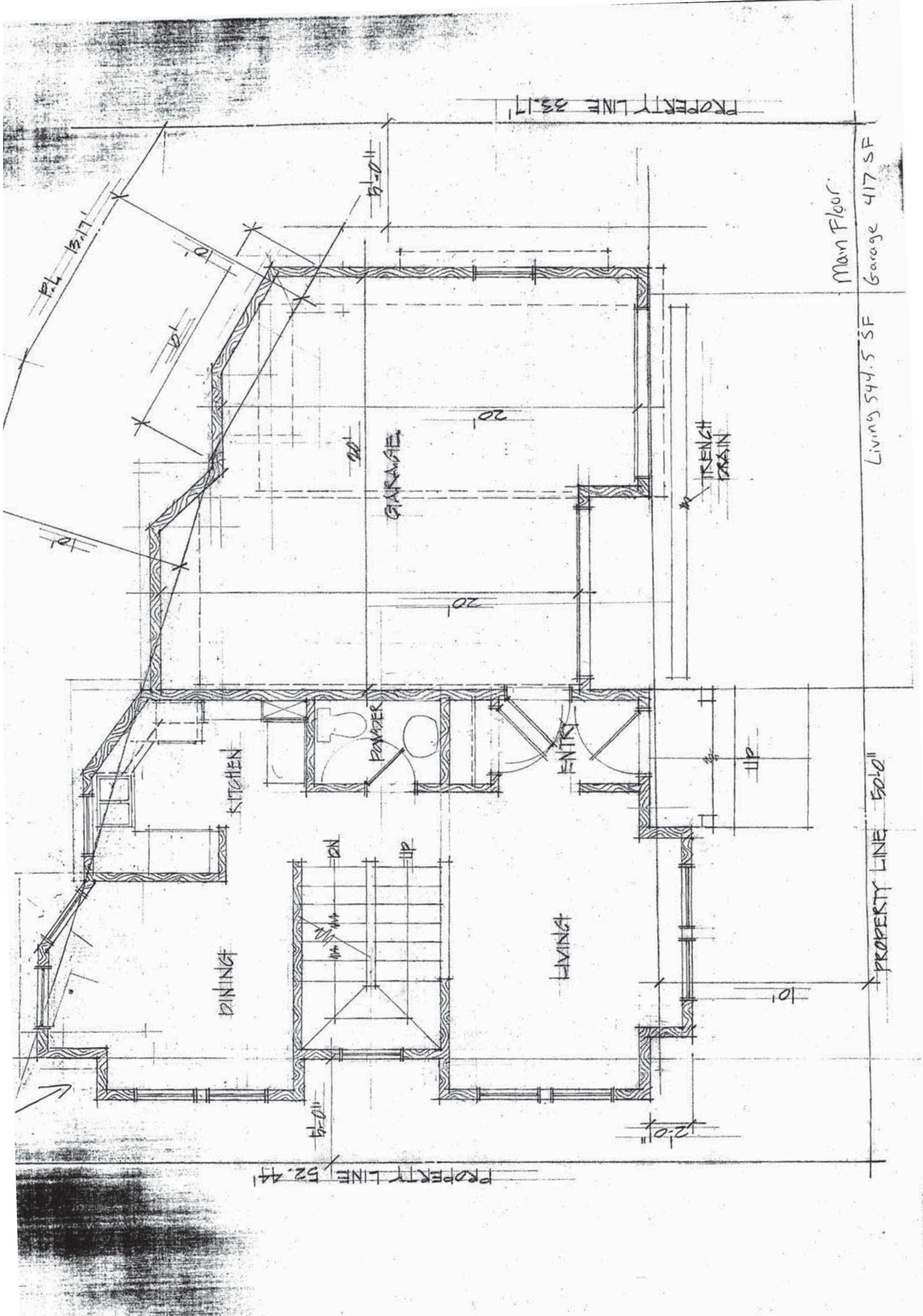
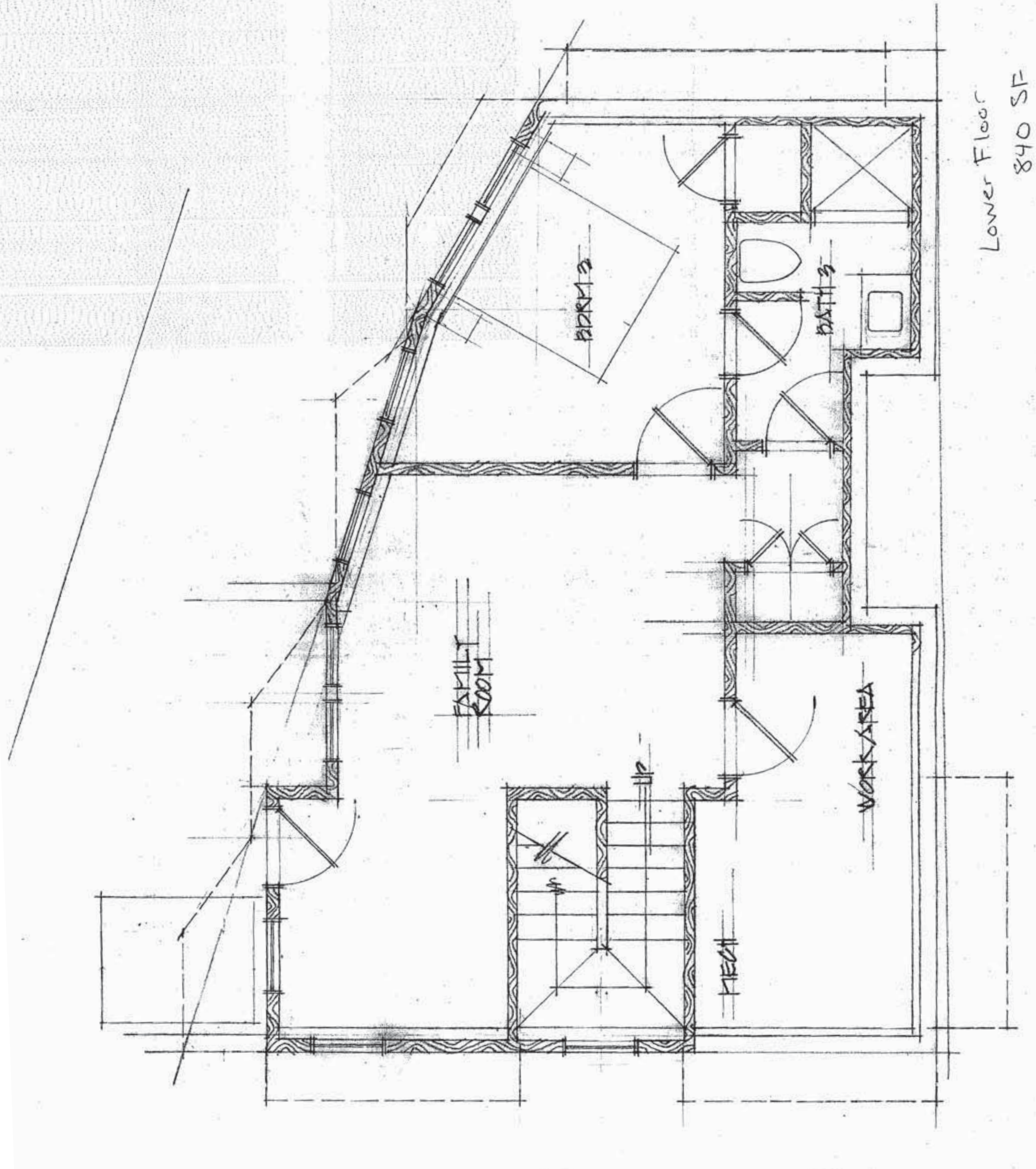
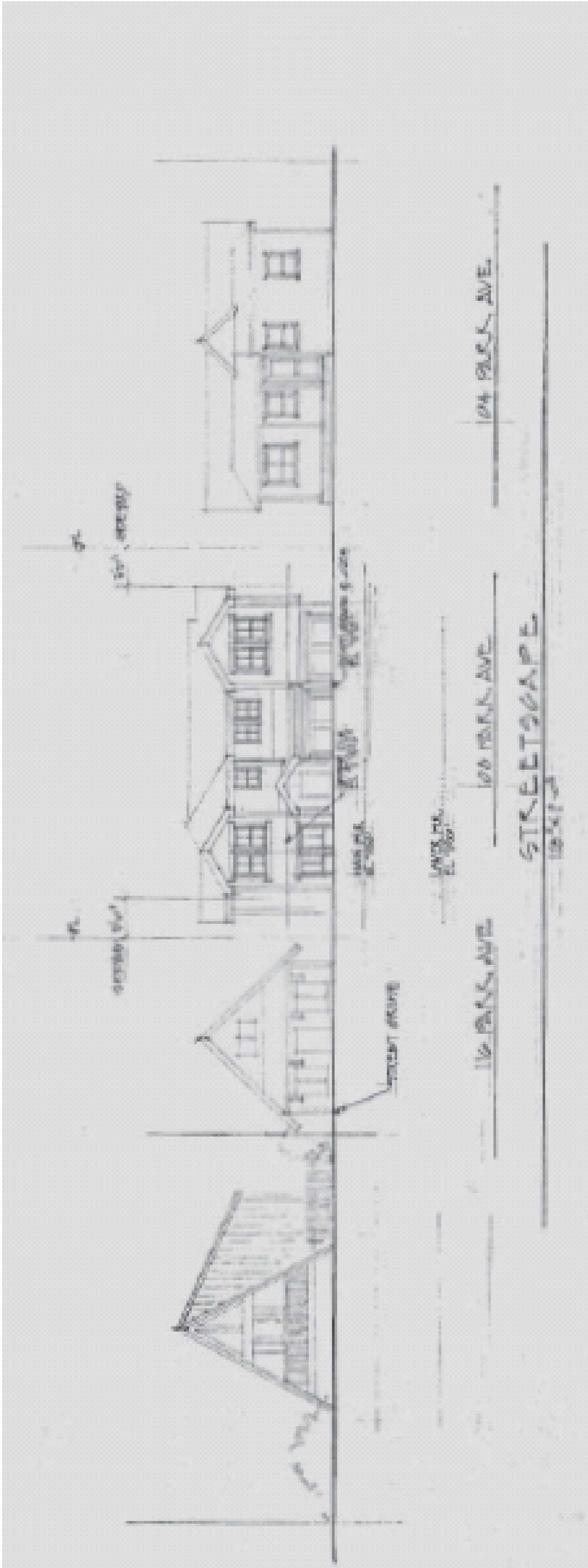
Date 0-30-09
Scale
Drawn
Job 108 PARK
Sheet A-5
Of Sheets



Upper Floor Plan
942.5 sf


PROPERTY LINE 33.17'
Main Floor
Living 544.5 SF
Garage 417 SF
P.L. 13.17'
GARAGE
TRENCH DRAIN
KITCHEN
POWDER
ENTRY
DINING
LIVING
UP
DN
PROPERTY LINE 50'-0"
PROPERTY LINE 52.44'


Lower Floor
840 SF
BDRM 3
BATH 3
FAMILY ROOM
WORK AREA
MECH
UP


116 PARK AVE
108 PARK AVE
104 PARK AVE
STREETSCAPE