PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
NOVEMBER 4, 2004

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, November 4, 2004.

Closed Session – Executive Conference Room
3:30 p.m. Property/personnel

Work Session – City Council Chambers
5:30 p.m. Council questions/comments
5:45 p.m. Review of regular meeting

- Conservation easements
- Other meeting questions/comments

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

I ROLL CALL

II COMMUNICATIONS FROM COUNCIL AND STAFF

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

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF OCTOBER 14, AND OCTOBER 21, 2004

V PUBLIC HEARINGS

1. Community Development Block Grant application

2. Ordinance approving an amendment to all of Lots 26, 27 and 28 of Block 4 of the Park City Survey, located at 424 Woodside Avenue, Park City, Utah

3. Ordinance approving an amended and restated Paintbrush Homes Record of Survey Plat, Park City, Utah

4. Ordinance approving the Shooting Star Lodge Condominium Plat, Park City, Utah

VI CONSENT AGENDA

1. Approval of quit claim deed from PCMC to the owners of units at 587 Deer Valley Loop Road Condominiums

2. Ordinance approving an amendment to all of Lots 26, 27 and 28 of Block 4 of the Park City Survey, located at 424 Woodside Avenue, Park City, Utah

3. Ordinance approving an amended and restated Paintbrush Homes Record of Survey Plat, Park City, Utah

4. Ordinance approving the Shooting Star Lodge Condominium Plat, Park City, Utah

5. Resolution proclaiming the week of November 6 – 13, 2004 as Park City Education Week in Park City, Utah

VII NEW BUSINESS

Granting of conservation easements to Summit Land Conservancy, in a form approved by the City Attorney, on all lands purchased with open space bond funds as follows:

- Richards Ranch (SR224)
- Virginia Mining Claim (Rossi Hill)
- Union Pacific (Rail Trail)
- Grover (Round Valley)
- UP&L (bottom of Main Street)
- McMillian (Round Valley)
- Bilogio (Round Valley)
- Cranbrook (Round Valley)
- E. Gillmor (Round Valley)

VIII ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so the location will be announced by the Mayor. City business will not be conducted.

Posted: 11/01/04
See: parkcity.org

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

November 2004

11 Quarterly goal update – work
Bus service to SLC - work
Cultural tourism advisory committee update - work
Ordinance- 7815 Royal Street East, The Chateaux at Silver Lake- amendments to the record of survey plat
Ordinance- Red Cloud Subdivision- final plat
Ordinance- Larkspur Townhomes- Units 6-9- Village at Empire Pass record of survey plat
Ordinance- Larkspur Townhomes- Units 10-15- Village at Empire Pass record of surveyplat

18 City-owned buildings – work – Pat
Quinns Junction Recreation Complex – work – Colin
Ordinance- 240 Swede Alley plat amendment
Ordinance- 80 King Road plat amendment
LMC Amendments- Olympic Legacy signs and projects
Triple Crown Sports Festival License and service agreement – Alison
Award of design contract for Phase 2 for Quinns Junction Recreation Complex
Award of pre-construction contract for Quinn Junction

25 **Thanksgiving**

26 Thanksgiving holiday

December 2004

2 Discussion on downtown projects – work - Colin
Housing update – work - Phyllis
Award of design contract for Phase 2 for Downtown Projects to FFKR
Award of pre-construction contract for Downtown Projects

9 2005 Insurance Renewal – Cindy
International Pedigree Stage Stop Sled Dog Race MFL – February 5

16

17 Management retreat

23 **No meeting**

30 **No meeting**

Pending Items:

Refuse and collection programs
Water Service District – Grant of easement from Iron Mountain Associates
Transit Center Land Match Resolution – Gary
January – update on temporary liquor and beer licenses (special events) – manager's report
Sign Code amendments – Ray
Olympic Welcome Plaza

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
OCTOBER 14, 2004

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

Tom Bakaly, City Manager; Mark Harrington, City Attorney; and Colin Hilton, Economic Development Director; Jonathan Weidenhamer, Planner; Jerry Gibbs, Public Works Director; Alison Butz, Special Events and Facilities Manager; and Patrick Putt, Planning and Zoning Administrator

Public Art Advisory Board Members: Peter Roberts, Julie Hopkins, Carol Potter, and Kathleen Metcalf

1. Council questions/comments – As a liaison to the Recycle Board, Candace Erickson reported that the Summit County Commissioners will be expanding recycling to Coalville and Henefer. As a result, there will be no excess funds as anticipated, but before the end of the year, Recycle Utah will approach the Commission with requests for other programs. Marianne Cone reported on Library Board business. Kay Calvert brought up reexamining the possibility of UTA providing bus service to Salt Lake. She recommended that while staff is working on the Downtown Plaza concept, to look at the Olympic Plaza to determine if it is being adequately utilized. If not, there may be better uses for the space. Marianne Cone agreed that it may not be the best location for a plaza. Tom Bakaly advised that Kent Cashel is working with UTA and Council will be updated. The Olympic Plaza is situated on City property but the Chamber raised funds for the improvements. This can be considered in a future work session and there was support among Council members to review this topic. Jim Hier thanked representatives of the HMBA for their input on the downtown projects. Mayor Williams thanked the Police Department for traffic calming efforts on upper Marsac Avenue. He thanked Eric DeHaan for his work on the reconstruction of Park Avenue. He reported that COSAC met during the week and that Rory Murphy hosted a dinner for the Chinese aerial ski team. Kay Calvert remarked on the good turn-out for the rededication of the Miners Hospital last Friday.

2. Downtown Projects. Colin Hilton relayed that the downtown task force considered information from the OTIS, Hyatt Palma Study, and Downtown Action Plan. OTIS focused on infrastructure needs, including transportation, circulation and parking supply. The town plaza concept is intended to augment the attraction of Main Street. Last November, the City Council accepted the recommendations of the task force and staff was directed to move ahead. During the budget review, funding strategies were recommended, like the extension of the Main Street RDA which has been approved by the other taxing agencies. This approach will result in new money to fund parking and the plaza projects. He emphasized there were many public and stakeholder meetings held, well beyond the normal process, and the staff report summarizes input over the past several years. Prior to engaging in the next step of planning and design, staff is requesting Council direction on several key decisions, i.e., whether the police headquarters should be located downtown and elements of town plaza.

Mr. Hilton stated that he and the Chief of Police worked with a consultant on a space needs assessment and both Swede Alley/Marsac Avenue and Snow Creek were recommended as possible sites. He acknowledged the benefits of having a police headquarters near City Hall functions, but recognized the loss of about 40 to 50 spaces, and the high intensity of land use. Mayor Williams referred to the staff report and stated that it was very helpful to be advised of differing opinions by staff members. He felt that Marsac Avenue and Swede Alley are already too busy and additional associated costs in keeping police downtown have not yet been determined. Additionally, the view corridors on Marsac Avenue will be diminished. The Mayor felt the public who supported a station downtown may be satisfied with a permanent police presence in the area by way of a satellite office. Kay Calvert agreed that a retrofit is too intense and added that the downtown plan for police is very limiting as future needs and technology are unknown. Mayor Williams concurred that the by the time the police facility is built, it will only have a life span of seven years and this approach is too short-sided. Marianne Cone expressed that the downtown station, as designed, is inappropriate and unacceptable because of its size and she has another downtown location in mind. Losing parking is also a downside.

Jim Hier recalled that the police headquarters and parking structure were considered together in hopes to defray costs, knowing that some parking spaces would be lost. He felt it would be nice to have the police department close to City Hall, but not critical and stated that he supports finding another location for police. Candace Erickson stated that she was uncomfortable with the resulting look of the project and more importantly, providing access for emergency vehicles. She referred to Mr. Hier's comments and explained that she initially favored police downtown when she believed the combined project would help defray the costs of the parking structure. Joe Kernan stated that he doesn't have a strong opinion about the location of the station, but is concerned about response time. Chief Lloyd Evans explained that response time is not measured from the station but from mobile units and is not really an issue. Colin Hilton concluded there is clear direction from Council to eliminate the police headquarters as a part of the downtown projects and emphasized that a location does not have to be determined this evening.

Mr. Hilton continued that there is interest in linking the plaza to Main Street without crossing a major delivery road. The rendering realigns Swede Alley and maintains a functional route for delivery trucks, which is consistent with stakeholders' input and staff's opinion. Candace Erickson requested clarification of plaza use and capacity and recalled discussion on purchasing stage equipment to accommodate performances. She asked what need or niche is being filled. Jonathan Weidenhamer responded that the plaza is intended for daily use and when large events are held, a portion of the area can be closed. Large events are only anticipated a few times a year. Colin Hilton added that the goal is to create a flexible space for small, medium and large crowds and the real challenge is making the plaza work when it is not programmed. He discussed the schematic drawing of the plaza, noting that shutting down portions of the area will accommodate up to 5,000 people. Ms. Erickson stated that she is supportive of the connection to Main Street. In response to a question from Jim Hier about access and parking for postal patrons, Colin Hilton advised that 5th Street is proposed to be widened the parking plan was described. Discussion ensued regarding vehicular and pedestrian circulation. Kay Calvert suggested buffering the delivery road so that patrons in the green space are protected and Marianne Cone pointed out that the curve of the new Swede Alley alignment will slow motorists. Dana Williams discussed the shortfalls of the orientation of the stage as drawn. Colin Hilton explained the challenge of designing for both large and small performances. Options include purchasing a portable stage for about $70,000 or building a permanent stage into the hillside. There was consensus among Council members to work with the post office to better tie Main Street into the plaza and to realign Swede Alley. Mr. Hilton addressed the question of event size and described attendance capacities in specific areas. He estimated that about 2,000 to 3,000 attended street dances and 5,000 can be accommodated in the plaza. If Council limits the size to a lower number, there will be more flexibility in the design. The Mayor felt that the plaza should be designed for the maximum to meet future growth needs. Ms. Cone expressed concerns about the traffic impacts generated by 5,000 people. Colin Hilton advised that a traffic study will be conducted. Council concurred to proceed with a plaza design for 5,000 people and limiting attendance numbers can be a future discussion.

Colin Hilton pointed out that with regard to commercial uses, the spectrum ranges from providing for temporary vending from tents or carts to permanent structures with year-round tenants. Marianne Cone stated she preferred limited uses associated with the plaza and Kay Calvert believed there should be permanent commercial infrastructure in the parking structure. Mr. Hilton explained that there can also be commercial on the back side of the post office property. Ms. Calvert clarified that she believes commercial uses should be small *incubator* businesses that have a vested interest in the property and she is not in favor of temporary vending. Joe Kernan agreed that small businesses will add to the vibrancy of the area but felt they should not compete with Main Street merchants. Ms. Calvert emphasized that permanent commercial will attract people all year long. Ms. Cone acknowledged the existing commercial uses in Swede Alley and new businesses may add to the mix. Jim Hier stressed that the original concept driving the downtown project was to provide additional parking for Main Street merchants. The downtown task force subsequently recommended planning a plaza or gathering place in the area. Allowing commercial on Swede Alley opens the potential of Main Street property owners developing their back lots facing Swede Alley. Encroaching on the parking area by providing commercial in an attempt to attract more people to Main Street is inconsistent with the main goal of adding parking. Additionally, he believes the City is not qualified to develop a commercial project. He stated that he has a hard time envisioning how commercial in the parking garage will get people to the plaza. Providing space for vending for special events and allowing outdoor vending in the summer is appropriate and will draw pedestrians.

Ms. Calvert clarified that her interest is not only use but the value of multi-use buildings, including parking structures. She strongly feels that the building should be attractive. Marianne Cone pointed out that the potential commercial areas are on first floors and don't encroach on parking. Colin Hilton agreed and explained that commercial adds 30 to 40 feet to the parking structure, but doesn't affect the plaza. By eliminating police, there is a net gain of about 318 parking spaces and the deficit has been identified at 350. Jim Hier indicated that he could support a liquor store in the garage but not commercial space to he rented by the City. Dana Williams suggested that by condominiumizing the units, there is a financial gain to the City and a transfer of ownership. Mr. Hier continued to object stating that the City should not be in the commercial development business and the focus should be building a parking garage. Ms. Calvert encouraged Mr. Hier to *think outside the box* and consider what is being done in other communities. There is more than one way of going about this and she warned about limiting ourselves when there may be great ideas to draw from. Council member Calvert reiterated that business owners take pride in the appearance of their businesses. Candace Erickson suggested allowing Swede Alley to evolve. Current business owners are already paying hefty rents or mortgage payments and it is reasonable to provide them with an opportunity to expand to Swede Alley. Kay Calvert clarified that her concern is the pedestrian experience at the ground level of the parking structure.

Colin Hilton referred to Councilman Hier's comments about the history of the projects and acknowledged that the commercial feature is new compared to the parking and plaza. He identified the separate commercial spaces in the plaza and garage, which will be stepped-back and landscaped. The Mayor felt vending is appropriate behind the post office and supports a liquor store in the parking structure. He didn't feel prepared to determine the scope of commercial in the post office area. Jim Hier supported concession type commercial and considering allowing outdoor vending on the plaza. Marianne Cone stated that she is in favor of small permanent businesses behind the post office. Candace Erickson felt there are too many unknowns at this point, but didn't feel that the City should be in the *landlord* business. Joe Kernan felt it important to preserve the ability to accommodate commercial uses in the parking structure. Ms. Erickson added that she would be thrilled to have a liquor store there and Colin Hilton advised that this would require approximately 2,000 to 3,000 square feet. Space could be dedicated to the liquor store or divided into several commercial units. There was discussion about the commercial allocation being too large. Tom Bakaly interjected that he is hearing the majority of Council wanting some permanent space attached to the parking structure and some behind the post office. This is probably enough information to move ahead and there will be other opportunities to refine the project. Colin Hilton agreed and felt comfortable with the direction to move ahead with the schematic design and cost estimates. Staff will return to Council on December 2 with site plans and cost information and if approved, will proceed with contract approvals. He explained that in this scenario, 398 parking spaces will be constructed for a net gain of 250 and asked if 250 is still Council's goal. Mayor Williams recalled that past studies identified a 300 to 350 parking space deficit and encouraged Council to consider future needs. Candace

Erickson agreed. Colin Hilton believed that this can be resolved when there is enough cost information to present associated options. Jim Hier requested that staff analyze the cost of converting parking spaces to commercial space and how many spaces would be lost. Jerry Gibbs suggested talking to the consultant about the ratio of cost to size and there may be potential savings. In response to a suggestion from Joe Kernan regarding better access to the Sandridge parking lot from the Marsac Building, Mr. Hilton stated that it can be looked at but the steep grade is a limiting. Ms. Cone emphasized that consideration should be given to the impacts of 250 additional cars in the area.

3. Art Advisory Board update. Alison Butz stated that Council charged the committee to formulate a policy last December. Peter Roberts explained that the group began to receive donations without the benefit of a plan in place. The elements in the document specifically address commissioned, donated, and purchased pieces. The goal of the plan is to acquire high quality public art and to make the public art collection Park City's hallmark. The work should be authentic and meaningful to the community with a sense of celebration. The group desires to cultivate creativity, include a broad range of mediums, and involve locals and schools. There are guidelines for installation, maintenance, and funding. He explained that donated art will only be accepted if there is a contribution for the maintenance of the piece. The committee is supportive of the 1% donation from public building projects to public art and appreciative of the Council's establishment of a fund. Mr. Roberts explained that leveraging this money will be helpful in procuring grants. Discussion ensued about recommendations from the board being reviewed by staff before being scheduled on the Council agenda. Tom Bakaly explained that some projects will require planning and engineering review and emphasized that staff is supportive of the board's effort. He added that the quality of the plan far exceeded staff's expectations. Jim Hier referred to a provision specifying that the display must comply with height and setback requirements of the zoning district. Compliance with height seems appropriate, but perhaps setbacks should be reexamined. As written, this would preclude art in medians, berms, or intersections. He suggested crafting language which would allow art to be located within the setback area as long as it doesn't obstruct views. Patrick Putt believed this would be easy to create as it is found in the outdoor display section of the LMC. Mr. Hier pointed out that this new verbiage should also apply to private property. Mr. Putt indicated that this direction will be reflected in proposed amendments to the LMC and brought before the Commission for review. Council concurred.

Candace Erickson expressed her concerns about rejecting donated art, recognizing that this is a task of the committee. Marianne Cone emphasized the importance of the guidelines and Kathleen Metcalf explained that decisions to reject art have been delivered as a consensus of the group. Mr. Roberts stated that Council will be receiving a draft for an RFP within a month. Jim Hier commended the board on its work. Peter Roberts discussed a project involving artistic embellishments for eight bus shelters. The Mayor recognized the benefits to the community generated by the public art board.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 14, 2004

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, October 14, 2004. Members in attendance were Dana Williams, Kay Calvert, Marianne Cone, Candace Erickson, Jim Hier, and Joe Kernan. Staff present were Tom Bakaly, City Manager; Mark Harrington, City Attorney; Patrick Putt, Planning and Zoning Administrator; Eric DeHaan, City Engineer; Brooks Robinson, Planner; Ray Milliner, Planner, Pace Erickson, Public Works Operations Manager; and Jerry Gibbs, Public Works Director.

II COMMUNICATIONS FROM COUNCIL AND STAFF

1. Wind Power - The Mayor reported on the progress on the Wind Power campaign and the contributions made to the cause by the last Leadership class.

2. Planning Commission business - Patrick Putt reported that the Planning Commission forwarded a positive recommendation on the Quinns Junction annexation. After lengthy discussion, the Commission directed staff to prepare findings for approval of the Union Square Project MPD. With regard to Quinns Junction, Colin Hilton reported that staff will be returning to Council with cost estimates on November 18.

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

Traffic signal request - Lee Gerstein, Eagle View Court, requested that the City place a traffic light at the intersection of SR224 and Meadows Drive. He stated that traffic has increased on Meadows Drive and will continue to increase. Making a left turn from Meadows Drive onto SR224 is difficult and dangerous because of the heavy traffic and speeds. The potential for a serious accident is high. Eric DeHaan explained that UDOT must approve the warranting of a traffic signal on a state road, based on criteria. The capital costs paid by the City would be approximately $300,000. If Council agrees, the project could be included in the budget priority process next spring. He pointed out that there are other signalized intersections available to Park Meadows motorists if so desired, but acknowledged receiving numerous requests for a signal at Meadows Drive. In response to a question from the Mayor regarding the potential for meeting the warranting guidelines, Mr. DeHaan referred to the corridor preservation agreement between the City and UDOT which itemized this intersection as a likely recipient for a signal at some point. Jim Hier supported proceeding with the warrant because the intersection is becoming increasingly more difficult. Marianne Cone felt the speed limit should be reduced prior to the intersection and suggested a round-about. Mr. Gerstein felt the traffic is too dense for a round-about to be practically considered. Eric DeHaan explained that staff will return to Council requesting authorization to enter into contract for a warrant study.

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

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF SEPTEMBER 23 AND SEPTEMBER 30, 2004

Marianne Cone, "I move that we approve the minutes of meetings of September 23 and 30, 2004". Kay Calvert seconded. Motion unanimously carried.

V CONSENT AGENDA PUBLIC HEARINGS

1. Ordinance approving a two-lot subdivision plat located at 64 Ontario Canyon Road, Park City, Utah – Brooks Robinson, Planner, explained that approval will create a subdivision of a metes and bounds parcel. The two lots will be 4,125 square feet which complies with the lot size requirements of the HR-1 Zone. There is an improved house on one of the lots which requires an encroachment permit from the adjoining neighbor. The Planning Commission forwarded a positive recommendation on September 22, 2004 in accordance with the findings of fact, conclusions of law, and conditions of approval as outlined in the ordinance. Marianne Cone added that she attended the Planning Commission meeting and the Marsac Corridor property owners have no concerns. The Mayor opened the public hearing and with no comments, the hearing was closed.

2. Ordinance approving a one-year extension of a plat amendment to combine Lots 13 and 20 of Block 10 of the Park City Survey into one lot – Planner Ray Milliner explained that the expiration date is October 9, 2004 and an extension has been requested. The applicant is currently working with the Planning Commission on an expansion project for the No Name Saloon, and staff felt the extension is reasonable. The Mayor invited the Council and the audience to comment and hearing no input, the public hearing was closed.

VI CONSENT AGENDA

Jim Hier, "I move approval of Consent Agenda Items 1 and 2". Marianne Cone seconded. Motion unanimously carried.

1. Ordinance approving a two-lot subdivision plat located at 64 Ontario Canyon Road, Park City, Utah – See public hearing and staff report.

2. Ordinance approving a one-year extension of a plat amendment to combine Lots 13 and 20 of Block 10 of the Park City Survey into one lot - See public hearing and staff report.

VII NEW BUSINESS

Ordinance amending Section 9 – Parking - Chapter 4 - Seasonal and Section 14 – Streets – Chapter 4 – Snow Removal of the Municipal Code of Park City, Utah – Pace Erickson introduced Troy Dayley who has been with the City for some time and has accepted the Interim Streets and Streetscape Supervisor position. This was created through Public Works' recent reorganization and the classification will be considered as a permanent position during the upcoming budget review. Mr. Erickson pointed out a typographical error in Section 14-4-2 in the ordinance. A couple of months ago, Council was presented with a recommendation to amend the snow removal ordinance which better reflects current program levels and facilitates changes that better meet the needs of the community. Council's input has been included in the proposed ordinance and staff was directed to develop a policy and map describing the sidewalk removal routes and procedures. He stated that the Legal Department advised that some proposed changes expose the City to liability risks, specifically, language exempting residents from removing snow from their adjacent sidewalks. As a result, the sidewalk language remains the same. The Legal Department recommends not setting a dollar amount for property damage claims and to work individually with claimants through the risk management program.

Mr. Erickson continued that the Parks Department has prepared a plan which set goals and criteria for sidewalk and stairs and defines the current snow removal process. There is a program mission, planning and management goals, criteria for City provided sidewalk and snow removal, service quality goals, service routes and priorities, and a map which identifies service areas. Amendments to the parking code include allowing over-night parking in City lots with a parking services permit. Obstruction of snow removal is better defined and the proposed ordinance provides authority to the City Manager to declare a snow emergency. He reviewed each section in Chapter 14 and noted that snow removal from private property cannot be deposited on public rights-of-way.

Joe Kernan asked to comment on the criteria and not specifically the ordinance. He pointed out that cars often park over the sidewalks in Prospector but since state code prohibits parking on sidewalks, provision may not be needed in the ordinance. However, there may have to be regulation of people throwing snow on sidewalks. Mark Harrington clarified that removing snow from adjacent sidewalks and enforcement of that provision would address stored snow on sidewalks. The ordinance also clearly prohibits off-site snow storage, without the permission of the property owner. Jerry Gibbs added that Prospector Square currently stores snow on the sidewalks to keep lots clear. Staff will continue to meet with the HOA on a snow removal plan for pedestrians in the commercial area. Jim Hier expressed concern about providing snow removal services in Prospector without reviewing the expanded service with criteria. Jerry Gibbs felt that lodging areas should probably be a high priority and the current criteria should perhaps be reviewed and updated. He added that staff intends to bring a sidewalk snow removal plan to Council as a budget option. Mr. Hier pointed out the importance of defining the reasons for meeting requests.

Mr. Kernan named many four foot wide sidewalks that don't meet the current administrative criteria because of width that are cleared with the City's bombardier. Candace Erickson acknowledged conversations with Mr. Kernan on this topic. She felt the program mission should strongly encourage using the bus. There was discussion on overnight parking during snow emergencies and marking and clearing fire hydrants by the property owner. The Mayor opened the public hearing. Hearing no comments, the public hearing was closed.

In response to Ms. Erickson's comments on marking and clearing snow from fire hydrants, the City Attorney suggested adding language, *by the property owner*, to better clarify the responsible party. Jim Hier, "<u>I move we adopt the recommended changes to Section 9 – Parking - Chapter 4 - Seasonal and Section 14 – Streets – Chapter 4 – Snow Removal as amended in 14-4-11 to include *by the property owner*</u>". Kay Calvert seconded. <u>Motion carried unanimously</u>.

Mr. Kernan referred to the information he distributed to Council earlier and discussed the locations of snow storage on sidewalks in Prospector and options in some areas so pedestrians have access to walkways. He felt that storing snow from sidewalks in the five feet section between the sidewalks and the road creates a berm which protects pedestrians. He discussed the ample widths of streets throughout Prospector which is advantageous and removing snow from sidewalks may provide more benefits than to just the property owners. He felt sidewalks should be cleared along the bus routes. After establishing criteria and a budget option in 2005, he asked if the Council would support directing staff to work on an equitable cost-sharing plan, if necessary. Council members indicated that they already agreed. Candace Erickson stated that when the budget is presented in June, there will be new snow removal criteria, and if Prospector meets the criteria there will be improved service up to a point. Beyond those services, it is up to the owners. Joe Kernan asked about equity. Ms. Erickson stated that equity is not an issue, Prospector either qualifies and is included, or not. Pace Erickson interjected that there is very little hauling required in Prospector because streets are wide and snow is stored on sidewalks. Hauling is very expensive. Mr. Kernan described the dangerous curves on Sidewinder, especially in front of the Marriott, and asked if snow should be removed from sidewalks in those locations. Jerry Gibbs pointed out that Prospector sidewalks are unique because they provide internal circulation. Council member Kernan asked if there is support to provide snow removal services on the sidewalk on Sidewinder. Ms. Erickson asked why the Marriott is not clearing its sidewalks and Mr. Kernan explained that when the sidewalk is cleared, the snow is stored on the sidewalk on the curve. There was no support among members. Marianne Cone encouraged Mr. Kernan to share his information with staff and Jerry Gibbs felt it important to follow up on all of the issues.

VIII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2:30 p.m. Members in attendance were Mayor Dana Williams, Kay Calvert, Marianne Cone, Candace Erickson, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; and Mark Harrington, City Attorney. Candace Erickson, "<u>I move to close the meeting to discuss property and personnel</u>". Jim Hier seconded. <u>Motion carried unanimously</u>.

The meeting opened at approximately 3:30 p.m.

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

Prepared by Janet M. Scott

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Janet M. Scott, City Recorder

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
OCTOBER 21, 2004

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

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Patrick Putt, Planning and Zoning Administrator; Jonathan Weidenhamer, Planner, Gary Hill, Budget Manager

Kevin Callahan, Summit County Public Works Director

1. Council questions/comments. Council members commented on the quality of W. Mitchell's presentation as a part of the Leadership Program. Candace Erickson reported on Recreation Advisory Board and Board of Health business, specifically the emergency preparedness plan and parenting programs. Joe Kernan reported on Mountain Trails programs and the progress of the refuse committee who will be sending a survey to municipal elected officials county-wide on solid waste options. The Mayor commended the many contributions of the Leadership X Class made to the community and thanked VanCott for its donation of significant trees at the Library and Education Center. He reported on discussions with Mayor Rocky Anderson on a potential bus spur for Park City and Salt Lake. The inter-modal center at Gateway should be completed in a year, which could tie nicely into a system. He participated in a public input session at the capitol to develop an energy policy and also plans to attend the annual Wasatch Front Environmental Forum, hosted by Scottish Power. November is National Family Literacy Month and the Park City Education Foundation will be participating in the reading of the book *Polar Express*, which is also a film. The premiere of the movie will be held on the same day as the reading.

Kevin Callahan reported that the County has been working with Fehr & Peers over the past six months on the transportation corridor through Snyderville Basin. Currently, there is severe congestion and traffic volumes, which are expected to grow by 80% over the next 25 years and double on some of the county roads, i.e., Landmark Drive, Rasmussen Road, and Kilby Road. He stated that the existing road system will fail based on growth projections and an urbanized road system for the Basin needs to be developed. On November 3, 2004, a public hearing will be held before the County Commission at the Richens Building and the consultant will preview alternative recommendations. He identified the "choke" points in the system. One of first intersections to fail is the Landmark Drive SR224 intersection and it is proposed to eliminate the at grade four-way intersection and construct an east-west cross-over, forcing the traffic traveling to the outlet stores to the next intersection at Olympic Park Boulevard. With this plan, SR224 would expand to six lanes, with parallel main roads on both sides to SR224, creating a new main street connection between Redstone and the Kimball Plaza. There may be a new interchange midway between Kimball Junction and Jeremy Ranch to handle future traffic. Mr. Callahan estimated that about 70% of the traffic traveling west on Landmark are headed for Walmart and the factory outlet stores. The interchange will provide an option for Salt Lake visitors and free Kimball Junction up for Park City bound motorists. Typically a new interchange costs about $18 to $20 million and is covered by federal and state funding. This is a long range project, about 15 years out.

Mr. Callahan explained by way of illustration of a map, the project areas in the five year range, totaling about $18 million in improvements. Funding will include a variety of sources. The County looked at about 35 options, but some of the property is governed by conservation easements, limiting the number of choices available to the plan Mr. Callahan felt there are viable options. In response to a question from Jim Hier, Mr. Callahan described the circulation plan in the Redstone section. Discussion ensued about potential commercial development in the area and he explained that there will be incentives to cut back density and policies on phasing projects based on infrastructure. Timing the signals was discussed as well as using signage on the highway when the Junction is congested, informing motorists of options. Mr. Kernan asked if there is any way to make the Junction aesthetically more pleasing and Kevin Callahan explained that commercial development will be set back from SR224 and there is the potential for an entry statement, medians, and landscaping.

3. Review of regular meeting:

Quinns Junction. Patrick Putt explained that the annexation includes 136 acres located in Summit County. The annexation ordinance will also designate zonings for the property. On August 11, 2004, the National Ability Center and the City submitted a petition to annex property, consisting of 26 acres owned by NAC, and two parcels owned by the City including a 40 acre and 70 acre parcel. The City Council accepted the petition on August 27, 2004 and on September 2, 2004; the City noticed taxing entities which triggered a protest period, ending on October 3, 2004. No protests were filed with Summit County and on October 13, 2004, the Planning Commission held a public hearing and forwarded a positive recommendation on the annexation and the zoning designations for the property. Mr. Putt explained that the 40 acre parcel purchased with open space funds, is proposed to be zoned Protected Open Space (POS). This is the first time this zoning designation has been applied, which precludes development on open space lands. The NAC property and 70 acre Gillmor piece are proposed to be zoned Recreation Open Space (ROS)-MPD. This allows institutional uses, outdoor facilities, and dormitories as conditional uses. He stated that staff has determined that the application complies with all of the necessary state and LMC annexation standards. The annexation and proposed zones are consistent with the General Plan and the Quinns Junction principles and land use map. The properties lie within the City's annexation policy plan area and the annexation will accommodate the construction of a field complex with approval of the MPD by the Planning Commission.

In response to a question from Jim Hier, Mr. Putt explained that the fields are considered a type of open space in the LMC. Ms. Cone asked if the fields will need to be fenced. Mr. Putt explained that the wildlife study focused on greater sage grouse issues. Primarily the recommendations were geared toward acquiring additional open space, to the extent possible, and maintain development outside sensitive lands, which the MPD will address. Marianne Cone clarified that her concern was the potential of the fields attracting wildlife. Mr. Putt continued that the proposal does not include fencing, but does not preclude installation if necessary. Mayor Williams asked if there are any outstanding environmental impacts and Jonathan Weidenhamer advised that soil testing will be conducted.

Emergency Planning and Response Committee. Gary Hill explained that the City has been actively addressing planning for disaster mitigation and response over the years and has been involved in regional and local plans, but in a piecemeal fashion. The committee was charged to integrate existing plans, procedures, and federal requirements into one comprehensive document. Members included him, Chief Evans, Mark Harrington, Alison Butz, Ron Ivie, Jerry Gibbs and Cindy LoPiccolo. This plan will focus on Park City's specific hazards and identify regional and local roles. Mr. Hill noted that staff will be returning to Council with updates. In order to receive FEMA funds, a comprehensive plan needs to be in place and Mountainlands Association of Governments (MAG) has been tasked with arriving at a plan for our region. As a result of that process, wildfire was determined as the highest hazard potential to affect the most people here. The mitigation step would be to educate home owners on fire safety practices. Mr. Hill advised that cities must adopt the MAG plan by resolution to include specific mitigation steps and upon adoption; Park City becomes eligible for post-disaster mitigation funding. There was discussion about using the Dispatch Center and transit communications system to reach the public in the event of a disaster. Mr. Hill stated that there is also some infrastructure for communications at the Public Works Building in the event the Marsac Building is damaged. He stated that a second power supply will be considered in this plan as the communication piece is a critical factor. Chief Lloyd Evans added that if Park City's system is disabled, Summit County and Salt Lake are equipped with compatible equipment and prepared to provide back-up assistance.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 21, 2004

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, October 21, 2004. Members in attendance were Dana Williams, Kay Calvert, Marianne Cone, Candace Erickson, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Chief Lloyd Evans, Officer Steve Hirtzel, Jonathan Weidenhamer, Planner; Eric DeHaan, City Engineer; and Patrick Putt, Planning and Zoning Administrator.

II COMMUNICATIONS FROM COUNCIL AND STAFF

Joe Kernan referred to his lengthy observations expressed at last week's meeting on snow removal. He stated that he is committed to be more productive by providing better communication with other members, which may render better results. Council members indicated their appreciation of his comment.

1. Congressman Rob Bishop – Mayor Williams introduced U. S. House of Representatives Rob Bishop who has been very instrumental in terms of appropriations for water projects for the City. Congressman Bishop expressed his appreciation of staff and Council members meeting with him in D.C.

He pointed out the problems with the BLM regarding the status of the Gambel Oak parcel. This should have been resolved 25 years ago as the BLM administering property in an urban setting is not appropriate. Congressman Bishop stated that he will be proposing legislation that would transfer those two properties to Park City, on the condition that it would remain open space. If it is not maintained as open space, it would revert to the BLM as everyone's goals are the same. He acknowledged the challenge with the mining claims which need to be resolved before the property is transferred. Since the City is already providing services to the area, it seems inappropriate for the BLM to hold it. This is not going to be easy, but there are associated logical arguments and is working with the Department of the Interior and has had preliminary discussions with the BLM. He feels there can be good partnerships on different levels of government. The Mayor thanked him. In response to a question from Jim Hier, Mr. Bishop explained the process and estimated that the hearing would be scheduled the end of 2005. The bill itself has a life of two years once introduced. Candace Erickson expressed her appreciation; this is huge for Park City.

2. Recognition of Jeannie Edens, Victim Advocate – Chief Lloyd Evans recognized the Summit County Commission and County Attorney in the audience. Officer Steve Hirtzel read a letter composed by the Police Department, commended the many wonderful attributes of Jeannie Edens as the Director of the Victim Advocacy Program

in Summit County. *Her tireless work and sympathetic ear have lessened the often devastating effects suffered by victims of crime and offer help and healing to mean, women and children*. He explained that most often officers deal with Ms. Edens at the scenes of domestic violence, which are both dangerous and disturbing. *Her gentle manner, kind words, and loving reassurance offer to the hopeless that the future will be one of promise*. Officer Hirtzel stated that she always responds to calls for assistance without complaint or delay. Her dedication and devotion to often forgotten victims is admirable and an inspiration to everyone in public service. Chief Lloyd Evans added that October is Domestic Violence Awareness Month and he felt it appropriate to extend our appreciation to someone so important to the community. She was presented with a service award and a certificate to a restaurant. Jeannie Edens thanked everyone and stated that she has the best job in the world and wouldn't be anywhere else.

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

The Mayor invited the audience to comment on any matter of City business. Hearing none, the public input session was closed.

IV CONSENT AGENDA PUBLIC HEARINGS

1. <u>Ordinance approving the Neumeister and Jenkins replat to combine Lots 62, 63, and 64 of Fairway Hills Estates Phase II into two lots of record (2729 and 2753 Silver Cloud Drive)</u> – Jonathan Weidenhamer explained that Lot 64 is currently vacant and the owners desire to add open space to their properties. The Planning Commission forwards a positive recommendation based on the information in the staff report. The Council expressed its appreciation of the open space proposal. The Mayor opened the public hearing, and with no input, the hearing was closed.

2. <u>Ordinance approving the first amended 10 Daly Avenue Subdivision to subdivide the 10 Daly Avenue Subdivision into two lots of record</u> – As a part of the remodel, the applicant was required to proceed with a subdivision plat. There is one lot of record for the remodeled residence and the new vacant lot will be 4,300 square feet which can accommodate a single family or duplex. It is likely that the owner will sell the lot, either to the City for open space or for development. In response to a question from Marianne Cone, Mr. Weidenhamer explained that the owner will be dedicating a portion of her property as right-of-way to the City on King Road. Eric DeHaan added that there are no plans to widen King Road but utilities may be under-grounded at some point. Jim Hier believed that subdivision legislation adds financial incentives for refurbishing property. The Mayor opened the public hearing.

Cathy Vitali, owner of 14 King Road, expressed concern about the vacant lot being privately purchased and developed. Potential problems include off-street parking on King Road, especially during winter conditions. Jim Hier encouraged her to meet with planning staff regarding the building requirements of the HR-1 zone and Jonathan Weidenhamer added that there is also a Historic Preservation Board review process requiring notice to adjacent property owners.

With no further comments, the public hearing was closed.

3. Ordinance approving an amendment to Lot 30A, located at 3349 Meadows Drive, of the Eagle Pointe Subdivision Phase II, Park City, Utah – Jonathan Weidenhamer explained the application proposes to enlarge the building pad from 8,000 to 9,275 square feet. This feature appears on the plat and the intent was to ensure view sheds from adjacent lots. The Planning Commission approved the expansion with a reduction in height to continue to protect views. There was no public input at the Planning Commission meeting and a positive recommendation was forwarded. In response to a question from Marianne Cone, Eric DeHaan indicated that there is an active home owners association. Mark Harrington stated that the HOA was contacted about the application.

V CONSENT AGENDA

Kay Calvert, "I move to approve Consent Agenda Items 1 – 5". Jim Hier seconded. Motion unanimously carried.

1. Ordinance approving the Neumeister and Jenkins replat to combine Lots 62, 63, and 64 of Fairway Hills Estates Phase II into two lots of record (2729 and 2753 Silver Cloud Drive) – See staff report and public hearing.

2. Ordinance approving the first amended 10 Daly Avenue Subdivision to subdivide the 10 Daly Avenue Subdivision into two lots of record - See staff report and public hearing.

3. Ordinance approving an amendment to Lot30A, located at 3349 Meadows Drive, of the Eagle Pointe Subdivision Phase II, Park City, Utah - See staff report and public hearing.

4. Resolution adopting the Mountainlands Association of Governments Pre-Disaster Hazard Mitigation Plan as required by the Federal Disaster Mitigation and Cost Reduction Act of 2000 - See staff report and work session notes.

5. Authorization to the City Manager to enter into contracts for replacement of a water service line to the Racquet Club, in a form approved by the City Attorney: Alternative Mechanical in the amount of $25,570 and Ralph Tye & Sons Inc. in the amount of $15,892 – See staff report.

VI NEW BUSINESS

Ordinance annexing approximately 136 acres of property located at Quinns Junction into the corporate limits of Park City, Utah and amending the Official Zoning Map of Park City to include the annexed area – See staff report and work session notes. Patrick Putt explained that a public hearing will be held to consider public input on the

National Ability Center's and municipal recreation complex annexation. The annexation petition was submitted by NAC and Park City Municipal Corporation on August 11, 2004 and the property consists of three separate parcels: 26 acre NAC site, 40 acre of municipally-owned bond purchased, and 70 acres obtained from Florence Gillmor proposed for recreation complex. Upon completion of this action, the Planning Commission will review the MPD. On August 26, the City Council accepted the petition, and on September 2, 2004, letters were sent to all affected entities, which triggered a 30 day protest period, ending October 3, 2004. There were no protests filed with Summit County and on October 20, 2004, the Planning Commission forwarded a positive recommendation to Council. A detailed analysis was conducted and staff finds the proposal to be consistent with state requirements, our Land Management Code, General Plan, and the Quinns Junction's land use findings and principles. The property lies within the Annexation Policy Plan Boundary Area. The 40 acre open space parcel will be zoned Protected Open Space (POS) and the remainder of the property will be zoned Recreation Open Space-MPD (ROS-MPD). The Mayor opened the public hearing. Hearing no comments, the public hearing was closed.

Jim Hier, "<u>I move that we approve the annexation and annexation agreement resolution and approve an adopt an ordinance amending the Official Park City Zoning Map per the staff report and the documents in our packet</u>". Marianne Cone seconded. <u>Motion unanimously carried</u>.

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 3:45 p.m. Members in attendance were Mayor Dana Williams, Kay Calvert, Marianne Cone, Candace Erickson, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; and Mark Harrington, City Attorney. Jim Hier, "<u>I move to close the meeting to discuss</u> property". Marianne Cone seconded. <u>Motion carried unanimously</u>.

The meeting opened at approximately 4:45 p.m.

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

Prepared by Janet M. Scott

Janet M. Scott, City Recorder

City Council
Staff Report

Author: Bret Howser
Subject: CDBG PUBLIC HEARING
Date: November 4, 2004
Type of Item: Public Hearing

BUDGET, DEBT, AND GRANTS

Summary Recommendations: Hold a public hearing soliciting public comment for the Community Development Block Grant (CDBG) Pre-Application. Select a project based on public comment and direct Staff to apply for funding for that project.

Description:

Topic: CDBG Public Hearing

Background:
City staff is in the process of preparing an application for Community Development Block Grant (CDBG) funds from Mountainlands Association of Governments (MAG). As of yet, City Staff has received no public input concerning potential projects for which to apply. As part of the pre-application process the City is required to hold a public hearing soliciting comment regarding the CDBG application. The CDBG Pre Application is due on December 3, 2004 and Staff is recommending that the City hold the required public meeting on November 4, 2004.

Projects available for funding through the CDBG program are limited to those outlined in the Regional Consolidated Plan produced by MAG. A copy of the Park City's portion of the Consolidated Plan is appended to this report. The purpose of the public hearing is to discuss potential grant application ideas specifically to:

1. Supply Citizen's information on the: Amount of CDBG funds available for allocation, the range of activities that may be undertaken with CDBG funds, the estimated amount of CDBG money proposed for activities that will meet the national objective of benefit to Low/Moderate Income (LMI) individuals, and the proposed CDBG activities likely to result in displacement of LMI.
2. Identify and Discuss Community Development Needs of the Community.
3. Obtain citizens' views and suggestions regarding possible projects.
4. Respond to suggestions and questions.

After the public hearing the City Council will determine which project will be submitted in the CDBG pre-application. The pre-application will then be submitted based on the comments from the public hearing.

The CDBG process allows each entity in MAG to submit one project application per year. The City received $25,500 for the Affordable Housing Plan during FY 2004. The CDBG funds are distributed within MAG based on need, prior year funding, and other ranking criteria.

Analysis:

To be considered for CDBG funding, projects must meet one of three Congressional Compliance Requirements: (1) Low to Moderate Income Benefit, (2) Aiding in the Prevention or Elimination of Slums or Blight, or (3) Urgent Health and Welfare Compliance. Historically, preference has been shown to projects meeting requirement #1.

This year the MAG region will likely have $1.5 million dollars in CDBG funds available for projects (the actual amount will not be known until February), of which the Summit/Wasatch area will be eligible for $675,000. The following is a list of projects which are included in the MAG Consolidated Plan and are therefore eligible to be considered for the CDBG pre-application process:

- City Hall Renovations (namely Marsac Bldg. ADA implementations)
- General ADA Implementation
- Affordable Housing
- Trails Master Plan Implementation
- Public Safety Facility
- Tunnel Improvements (water supply)
- Water Equipment
- Water Source, Storage & Delivery

At this point, no public recommendations have been received concerning possible CDBG projects. Barring public input to the contrary, City Staff recommends that Council consider ADA Implementation at City Hall as the FY 2005 CDBG project. The project is the most likely to be funded of those included in the consolidated plan as it meets National Objective #1 and is in line with eligibility requirements outlined by MAG.

Following the public hearing, staff would like Council's direction regarding which project the City should apply for. Staff will update Council as to the status of the application in the Manager's Report in the following weeks.

Public questions or comments may be voiced during this public hearing or submitted to the City at 445 Marsac Ave., Park City, UT 84060. Concerned residents may also contact the Budget, Debt, and Grants Department at (435) 615-5181.

Department Review:

City Manager, Legal, Budget, Debt, and Grants

Alternatives:

A. **Approve the Request:** After the public hearing is completed Council will need to recommend a project for the CDBG Application process based on the information gathered at that hearing.
B. **Deny the Request:** Council could choose to not hold the public hearing or recommend a project for the CDBG application process.
C. **Continue the Item:** Council could continue the item. Failure to specify a project or hold a public hearing before Dec 3, 2004 will result in the City not being eligible to apply for 2005 CDBG funding.
D. **Do Nothing:** Failure to specify a project or hold a public hearing before Dec 3, 2004 will result in the City not being eligible to apply for 2005 CDBG funding.

Significant Impacts: Park City is eligible to receive CDBG funds through MAG. By holding a public hearing and identifying a project for the pre-application process the City will be eligible for potential funding of up to $675,000.

Consequences of not taking the recommended action: Park City has historically not received CDBG funds. Failure to hold the public hearing or identify a project for the pre application process will prevent Park City from potentially receiving CDBG funding in the FY 2005 CDBG cycle.

Recommendation:
1. Hold a public hearing on November 4, 2004.
2. Identify a City project based on the public comment received at public hearing for the FY 2005 CDBG Funding and direct Staff to apply on the City's behalf.

Attachment: Park City Consolidated Plan

PARK CITY

Population:	1990	2000	2010	2020	2030
	4,468	7,371	13,429	17,634	20,390
Per Capita Income:		$45,164		2000 Census	
Median Household Income:		$65,800		2000 Census	
Median Family Income:		$77,137		2000 Census	
Total Households:		2,705		2000 Census	

Park City, located in southwestern Summit County, is an internationally recognized four-season destination resort. Once the second largest silver producing town in the United States, Park City with its three world famous resorts (Deer Valley Resort, Park City Mountain Resort & the Canyons Resort) is home to the United States Ski & Snowboard Association, the Sundance Film Festival and numerous other yearly events. As a major mountain venue for the 2002 Olympic Winter Games, Park City's reputation for hospitality and sports continues to grow. Park City is widely recognized for pioneering many innovative planning, conservation and artistic endeavors, and stands at the forefront of preserving open space, creating trails, working on affordable housing, and its historic preservation efforts.

Park City faces the dual issues of being a resort community, as well as a bedroom community for Salt Lake City 25 miles to the west. With high property market values and a strong tourism economy, Park City is quite unlike other communities statewide of comparable size. The large fluxes in population due to tourism require this City of 7,300 permanent residents to provide services for up to 45,000 during peak season.

Park City has Council/Manager form of government. Departments within the City include Public Works, Public Safety, Library and Recreation, and the Executive Function with self managed work teams. There is also a Planning Commission, Recreation Advisory Board, Historic Preservation Board, Citizens Open Space Committee, Board of Adjustments and Board of Appeals.

In general, the land use and planning in Park City are well managed. The City has a professional planning staff and active citizen participation. The community is growing rapidly, yet the growth is somewhat organized and with the imposition of impact fees, Park City appears to be financially sound.

Housing in Park City is more costly than in other communities in Utah. The Harvard Joint Center for Housing Studies recently noted that the obstacles for providing quality affordable work force housing may be more difficult than developing a great resort. Population increases, especially households whose income are not dependent on local wages, have increased housing demand and housing cost in Park City. These trends makes the provision of housing for the full spectrum of Park City's service workers, essential employees, seniors on limited incomes and citizens with special social or physical needs, increasingly difficult. The economic and cultural well being of our community is linked to our ability to provide a choice of housing opportunities for its residents. Park City Municipal Corporation is a leader in implementing Employer Assisted Housing strategies. The City provides a housing allowance to full-time, regular employees who live within the Park City School District boundaries. The City owns and manages rental housing to assist with employee recruitment and retention. The City also assists employees in the purchase of housing through low interest loans for down payment assistance and second mortgages.

The availability and price of land are key nongovernmental constraints in the development of affordable housing. Land-use regulations, aggressive impact fees, and strict development requirements further exacerbate conditions.

The Public Works Department of Park City maintains 104 lane miles of road. The primary streets are in good condition, but the Old Town area has many streets in need of total reconstruction. Reconstruction requires underground utilities to be evaluated and where needed, replaced at significant cost. In the next five years, the Public Works Department will continue its pavement management program costing approximately $2.0 million. Additional projects requiring improvements are the expansion of the municipal parking structure, water improvements to meet fire flow requirements, streetlights and all aspects of fleet repair and replacement. As Park City continues to grow, more personnel will need to be added to the Public Works staff. The most immediate need to the department is to upgrade the water distribution and treatment facilities by replacing aged infrastructure and adding new equipment and personnel.

The Park City water system has a capacity of 9.4 million gallons per day, which serves 4,500 residences, 600 commercial businesses, and six institutional/governmental buildings. The system is currently used to about 85 percent of capacity. The water system should be adequate for the City's needs in the next one to three years. In the next five years, Park City will expand capacity to about 4,500 acre-feet annually (approximately 30 percent increase). In addition to acquiring new water resources, the City is continually maintaining its current resources through a number of projects including pump motor replacement, tunnel improvements, and replacement of aging infrastructure.

Park City constantly strives to improve accessibility for disabled persons to public buildings, parks, and other areas through an ADA Implementation process. Annually, the City budgets for projects and expenditures that seek to better conform to the Americans with Disabilities Act. This year, the City also plans to make much-needed improvements to the out-dated City Hall. The project includes a broad retrofitting to comply with ADA.

The Park City Police Department provides law enforcement services and police protection within the incorporated limits of the City. The 28 officers of the department serve the 7,300 plus full-time residents, seasonal residents, and approximately 20,000 visitors capacity per night in the peak season. The department completed a Police Facility Needs and Site Assessment study in June 2004, in consideration of constructing a future police facility. Within the next three years, the City expects to construct a new public safety facility, either in the downtown core in connection with the renovation of City Hall and Town Plaza Plan or the expansion of the downtown parking structure, or as a stand-alone facility outside of the downtown core. Current cost estimates for this facility are between $2.5 million and $3 million.

The Park City Recreation Department maintains an 18-hole golf course, the Park City Racquet Club, the Park City Community Center, and a six-acre park, that includes a new skate park facility and playground. The Recreation Department programs several activities for all residents. The programs are running at about 90 percent of capacity, and with the rapidly growing population, the programs and facilities will soon reach their maximum capacity. Current deficiencies include lack of field space for field sports such as soccer and Little League baseball. In the next five years, Park City will add additional improvements to City Park, resurface the tennis courts, and create additional trails throughout the community. Park City has been working on a regional recreation program with the Snyderville Basin Special Recreation District (SBSRD) that includes joint capital recreation projects. One such project is a soon to be constructed Quinn's Junction Recreation Complex that will consist of an enclosed ice rink, two to three softball/baseball fields and four rectangular fields for sports like soccer, lacrosse, rugby and others. Construction is expected to start in 2004 and be open for use in 2005.

The Park City Fire District provides fire protection services to Park City. The service is adequate to meet the City's needs, but the rapid growth in the district has put a lot of demand on the level of service. The Park City area is forested and poses a great fire danger. The fire district will need to constantly upgrade its equipment and hire additional employees in order to maintain proper fire fighting protection. The District is not a component unit of any other government.

The Snyderville Basin Water Reclamation District provides wastewater collection and treatment services to western Summit County (Snyderville Basin), which includes Park City. The District encompasses approximately 102 square miles and operates and maintains two reclamation facilities, a collection system comprised of over 230 miles of pipeline, ten pump stations, and an administrative office building. The Board of Trustees is made up of four elected members from the general populace of the District and one member appointed by the Park City Municipal Corporation. The District is not a component unit of any other government.

Park City solid waste disposal service is provided by Summit County. The current landfill is adequate for the next five years at the current rate of growth and development. The County is in need of four additional employees. In the next five years the landfill will need cell enhancement, which will cost approximately $100,000. Within ten years the county will need to develop a new cell at an estimated cost of $3 to $4 million. The County recently installed new scales at Three Mile Canyon. New scales will be installed in Henefer in 2005. In addition, the County would also like to complete roadwork for about $50,000 and purchase $150,000 in new equipment. The County offers metal recycling and other minor recycling programs in limited areas.

Park City receives its healthcare services and programs from the Summit County Health Department. There are currently four clinics in the county, but no hospital. The County needs to construct a hospital as soon as possible and to upgrade the current Health Department facilities. Within ten years, the health department would like to expand existing clinics and provide more specialization.

Students in Park City attend the Park City School District. The District educates children from both Park City and the surrounding Summit County areas. The majority of the County's population lives in Park City and the surrounding unincorporated area known as the Snyderville Basin. There are four elementary schools, two middle schools, one high school and one alternative school. The Park City School District is known for its high performing students, skilled and dedicated staff and up-to-date facilities. The schools in the district are used to full capacity and new facilities will be required in the next five to ten years.

Summit County and Park City work together to implement best planning practices particularly related to land use planning, open space and recreation and affordable housing as the unincorporated Snyderville Basin area located on the north border of Park City continues to grow. The population in the unincorporated area surrounding Park City is now greater than the population within Park City's limits.

Needs and Priorities

Identified Need	Cost	Source	Priority	Start
Tunnel Improvements (water supply)	$750,000	Water Fees	1	Ongoing
Water Equipment	$415,000	Water Fees	1	Ongoing
Water Source, Storage & Delivery	$20,000,000	Water Fees Federal Grant	1	2004
ADA Implementation	$58,676	General Fund	1	Yearly
Affordable Housing	$1,632,853	RDA Tax Increment CDBG	1	Ongoing
Trails Master Plan Implementation	$646,322	General Fund/RDA	1	Ongoing
Public Safety Facility	$1,528,345	Impact Fees	1	Ongoing
City Hall Renovations	$2,500,000	General Fund	1	2005

SUMMARY CAPITAL IMPROVEMENT PLAN

SHORT TERM (1 YEARS)

Rank	Project Description	Total Est. Cost	Estimated Start Date	Revenue Sources/ Amounts	Resp Dept
1	Affordable Housing	$1,632,853	Ongoing	RDA Tax Increment. CDBG	T&C Svc.
1	Tunnel Improvements	$750,000	Ongoing	Water Fees	PW
1	ADA Implementation	$58,676	Ongoing	General Fund	PW
1	Trails Master Plan	$646,322	Ongoing	General Fund, RDA	ED & CP
1	City Park Improvements	$1,354,558	Ongoing	RDA Impact Fees	Rec.
1	City Hall Improvements	$2,500,000	2005	General Fund	ED & CP

MEDIUM TERM (5 YEAR)

Rank	Project Description	Total Est. Cost	Estimated Start Date	Revenue Sources/ Amounts	Resp Dept
1	Water Source, Storage, & Delivery	$21,444,912	2004-06	Water Fees Federal Grant	PW
1	Public Safety Facility	$1,528,345	2005	Impact Fees	POL
1	Pavement Management	$2,397,382	2005	Class C Road Fund/General	PW

LONG TERM (5-10 YEARS)

Rank	Project Description	Total Est. Cost	Estimated Start Date	Revenue Sources/ Amounts	Resp Dept
1	Trails Master Plan	$750,000	Ongoing	General Fund RDA	OCMB

CIP Action Plan

The Capital Improvement Program (CIP) is Park City's primary tool for determining the priority, timing and funding of our major public improvements. Identification of projects for the CIP is based upon input from staff, public and council

Developing the CIP
Park City's CIP contains many projects. Since it is not possible to fund all of these projects on the limited sources of revenue available, the projects are prioritized and programmed over a five-year period with particular attention on the next two years to correspond with the overall two-year budget cycle.

As part of the preparation of the municipal biennial budget, a careful analysis is made of the CIP to determine which projects should be constructed and from which sources funds should me made available. There are five criteria applied to proposed CIP items in order to determine their level of capital activity: support, funding, impact, timeline and investment.

Staff then presents the CIP prioritization to the City Council for approval. This prioritization is part of the biennial budget process. The City Council makes the ultimate determination as to prioritization, funding and timing.

Once the budget is adopted by the City Council, staff is authorized to begin implementation in coordination with the approved prioritization and funding schedule.

Implementation and Monitoring of the CIP
Once CIP items are authorized, the implementation process begins. Elements in CIP implementation may include the issuance of public debt, application for grant funding, and/or the request and award of contracts. All significant contracts are approved by the City Council.

Project management and program oversight are ongoing processes to allow for continual improvement. Quarterly updates reports are presented to the City Council. Mid-course corrections are made as necessary.

The CIP is updated annually by deleting completed projects, adjusting cost estimates and funding sources, adding new projects as needed and re-evaluating priorities. This process allows the City to allocate limited resources among a variety of needed public services to serve existing development and future growth. All CIP projects are readopted annually in the second year of the budget.

Moderate Income and Fair Housing Strategies

Adopted Strategies

Park City is committed to fostering a diverse social and economic community. Toward this end and within its financial means, Park City encourages, facilitates and promotes a wide range of inclusive housing choices. As early as 1978, Park City negotiated with local developers for the provision of affordable housing for its service and essential employees. Specific strategies have included:

- Park City incorporated a Housing Element to its General Plan to promote a balanced mix of rental and for-sale housing of varying size and price ranges to provide options for our work force and a diverse cross-section of residents in accordance with HB 295 adopted by the Utah State Legislature in 1996.
- Park City adopted affordable housing guidelines and mitigation standards for annexations and master planned developments of 50 residential units or more and/or commercial mixed used projects of 5,000 square feet or more. City Council Resolution 17-99 requires mitigation in the form of affordable housing units equivalent to 15 percent of the total residential unit equivalents and 20 percent of employees generated by commercial components.
- Park City Municipal Corporation is a leader in implementing Employer Assisted Housing strategies. The City provides a housing allowance to full-time, regular employees who live within the Park City School District boundaries. The City currently owns and manages seven rental-housing units to assist with employee recruitment and retention. The City also assists employees in the purchase of housing through low interest loans for down payment assistance and second mortgages.
- PC has an Affirmatively Furthering Fair Housing Plan and promotes the removal of barriers to housing choice and opportunities in its policies and procedures.
- Park City has an enforceable and legal development code, zoning ordinance and other laws that don't discriminate and which are fair and equitable.

Current Projects

Park City is currently undertaking a comprehensive Housing Needs Assessment. This Assessment is being prepared to better understand current housing problems and to provide information that can be used to address the identified needs. This report will provide information on the demographics of the City' population, their housing needs, the impact that housing has on employers and the opinions that both employers and residents have bout housing.

Information gathered in this assessment may be used to:

- Develop new public policies and programs related to housing;
- Facilitate the private sector's development of affordable housing
- Develop recommendations for ways to generate and allocate public resources for housing development;
- Plan for future housing impacts connected with anticipated growth; and
- Monitor the effectiveness of housing programs and projects that might be initiated.

The preparation of the Housing Needs Assessment is especially timely and critical with the transition of Summit County to part of the Salt Lake MSA for purposes of calculating Area Median Income. Summit County is expected to see a substantial decrease in its AMI as a result of this change. The impact of this change will be included in this assessment. The Housing Needs Assessment is scheduled for completion in Spring 2005.

CITY COUNCIL
Staff Report

PLANNING DEPARTMENT

Planner: Ray Milliner
Subject: 424 WOODSIDE AVENUE PLAT
Date: November 4, 2004
Type of Item: Administrative; Plat Amendment

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

DESCRIPTION

Project Name:	424 Woodside Avenue
Project Planner:	Ray Milliner
Applicant:	Jon and Heather Berkley
Location:	424 Woodside Avenue
Zone:	Historic Residential (HR-1)

BACKGROUND

The applicant is requesting a plat amendment to combine all of Lots 26, 27 and 28 of Block 4 of the Park City Survey into one lot of record, for the purpose of building an addition to an existing duplex on the site. If approved, the plat amendment will create a lot of approximately 5,625 square feet. The property has an application for development on a steep slope under review by the Planning Commission this evening on the consent calendar.

The historic building was renovated and an addition was constructed creating a legal duplex in 1995. The historic section of the structure encroaches into the City r-o-w along Woodside Avenue, but the 1995 addition meets all setback requirements. There are two on-site parking spaces provided to accommodate the 1995 addition (pursuant to LMC Section 15-2.2-4 the historic section is exempt from the parking requirement).

ANALYSIS

The property is located in the HR-1 zone. The proposed addition and remodel of the duplex is an allowed use in the HR-1 zone provided it meets the criteria in LMC Chapter 15-2.2, and the Historic District Design Guidelines. The applicant has submitted an application for Historic District Design Guideline review, which is currently being reviewed by staff. The addition is proposed on a lot that exceeds 30% in slope. Therefore, in addition to meeting the required minimum lot and site requirements of the LMC any construction on the site must receive a CUP for construction on a steep slope from the Planning Commission. The applicant has submitted said application, which is being reviewed by the Planning Commission concurrent with this subdivision.

The property will have access from Woodside Avenue and approximately 75 feet of linear frontage on the street. There are no existing easements on the property. The proposed lot complies with all required LMC lot size, lot arrangement, lot dimension and access requirements.

NOTICE
Notice of this hearing was sent to property owners within 300' on October 13, 2004. Staff has received no comments from the public at the time of this writing.

DEPARTMENT REVIEW
The Planning Department has reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with the LMC and State Law prior to recording. The request was discussed at a Staff Review Meeting on October 19, 2004, where representatives from local utilities and City Staff were in attendance. No additional issues or concerns were identified.

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

EXHIBITS
Exhibit A – Proposed Ordinance
Exhibit B – Plat Amendment
Exhibit C – Site Survey

Ordinance No. 04-

AN ORDINANCE APPROVING AN AMENDMENT TO ALL OF LOTS 26, 27 AND 28 OF BLOCK 4 OF THE PARK CITY SURVEY, LOCATED AT 424 WOODSIDE AVENUE, PARK CITY, UTAH

WHEREAS, the owner of the property known as 424 Woodside Avenue, has petitioned the City Council for approval of a plat amendment; and

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

WHEREAS, on October 27, 2004 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

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

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

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

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

1. The property is located in the Historic Residential (HR-1) zone.
2. The HR-1 zone is a residential zone characterized by a mix of contemporary residences and smaller historic homes.
3. The amendment will combine all of Lots 26, 27 and 28 of Block 4 of the Park City Survey into one lot of record.
4. The proposed lot would consist of 5,625 square feet.
5. Duplex lots require 3,750 square feet of lot area in the HR-1 zone.
6. The lot has 75 feet of frontage on Woodside Avenue.
7. Portions of the lot exceed 30% slope, which requires a Steep Slope CUP.
8. The applicant has submitted a Steep Slope CUP application for review by the Planning Commission.
9. No remnant lots will be created as a result of this application.

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

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

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

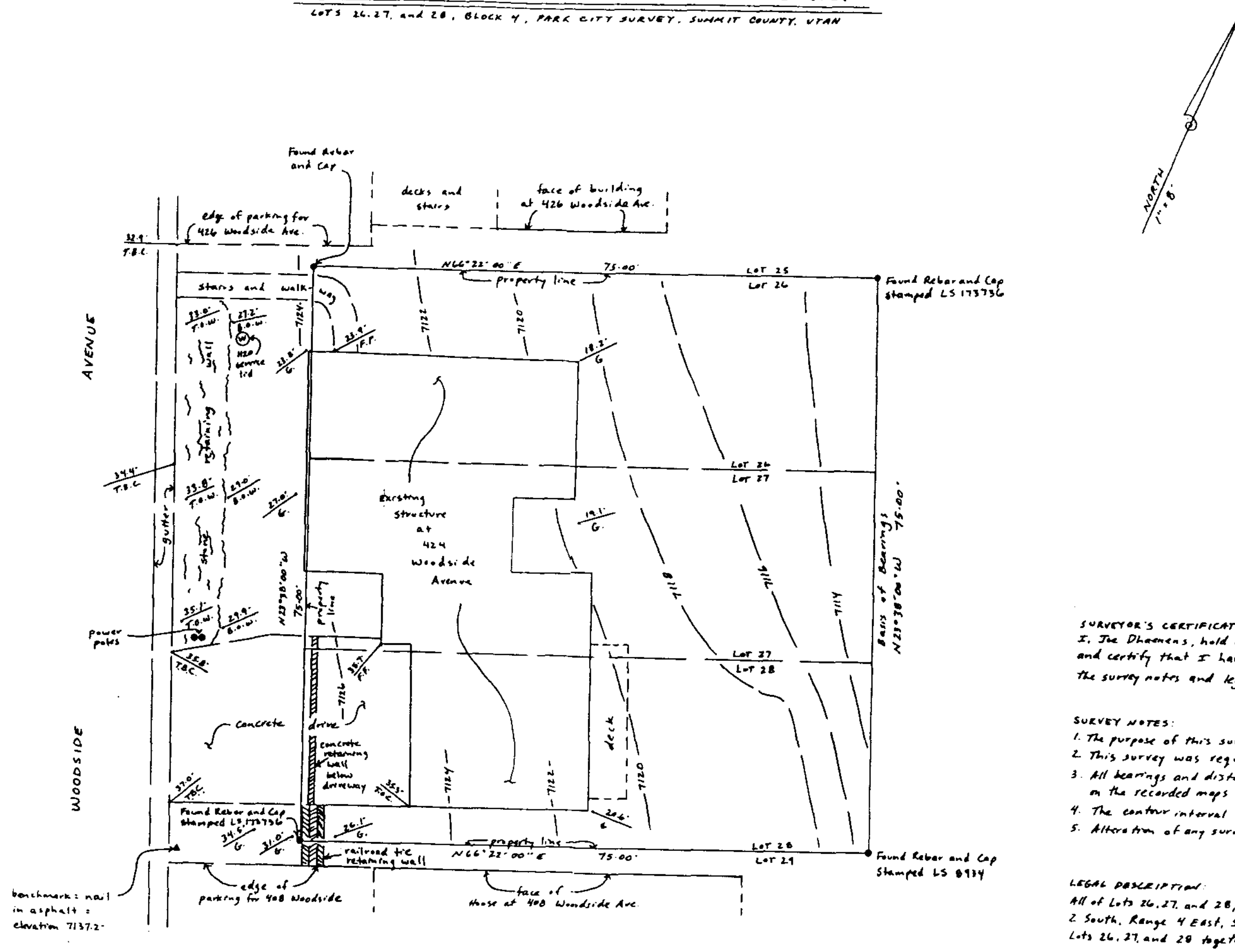
1. The City Attorney and City Engineer review and approval the final form and content of the plat for compliance with the Land Management Code and conditions of approval are a conditions precedent to recording the plat.
2. Prior to the receipt of a building permit, the applicant shall submit an application for review for compliance with the Historic District Design Guidelines.
3. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
4. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

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

PASSED AND ADOPTED this 4th day of November 2004.

424 WOODSIDE AVENUE RECORD OF SURVEY

LOTS 26, 27, and 28, BLOCK 4, PARK CITY SURVEY, SUMMIT COUNTY, UTAH



Joe Dhaenens
August 5, 2004

REGISTERED LAND SURVEYOR
No. 187821
JOSEPH DHAENENS
STATE OF UTAH

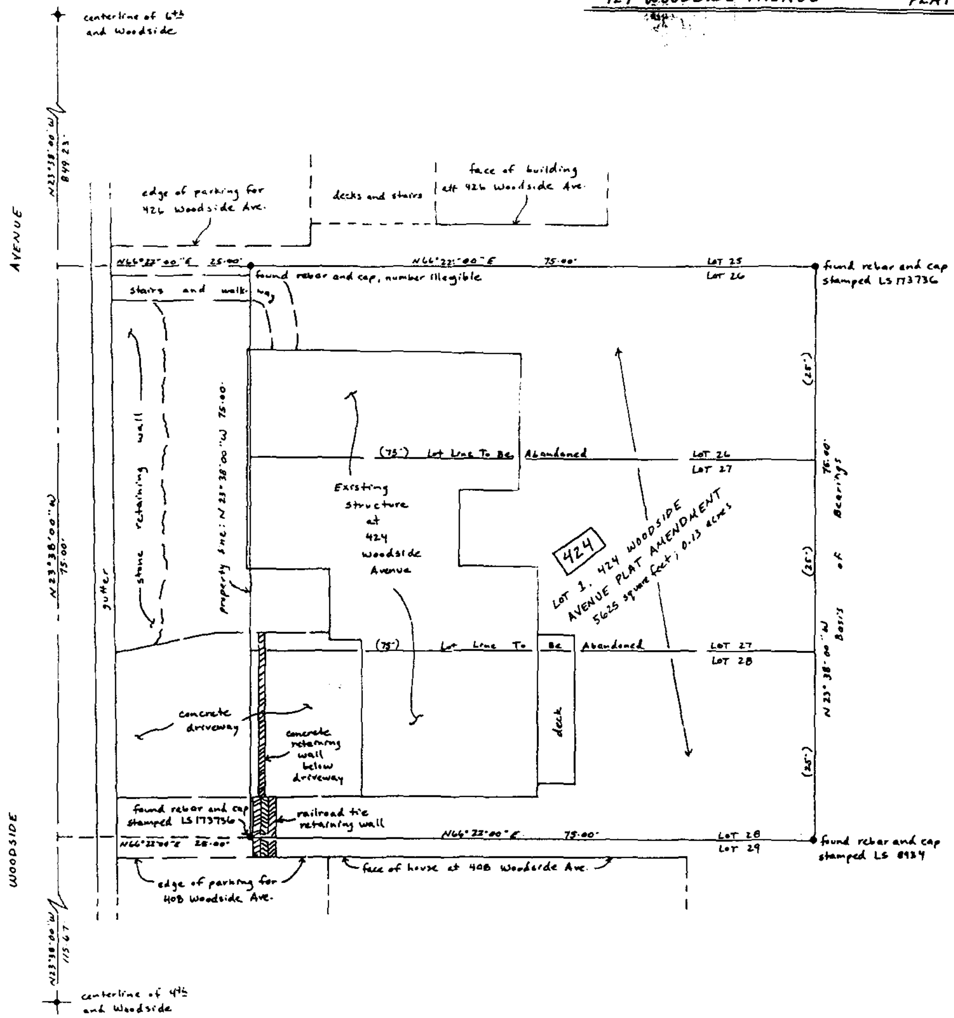
SURVEYOR'S CERTIFICATION:
I, Joe Dhaenens, hold license number 187821 as prescribed by the laws of the State of Utah, and certify that I have made a survey of the property shown hereon and as described in the survey notes and legal description below.

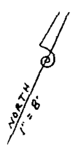
SURVEY NOTES:
1. The purpose of this survey is for property corners, elevations, and location of the shown improvements.
2. This survey was requested by Jon Berkley.
3. All bearings and distances shown were measured and are equal to the bearings and distances on the recorded maps of Block 4, Park City Survey.
4. The contour interval is two feet.
5. Alteration of any survey data without the surveyor's consent makes this survey invalid.

LEGAL DESCRIPTION:
All of Lots 26, 27, and 28, Block 4, Park City Survey, also being located in Section 16, Township 2 South, Range 4 East, Salt Lake Baseline and Meridian, Summit County, Utah. The area of Lots 26, 27, and 28 together encompass 5625 square feet, or 0.13 acres.

RECEIVED
SEP 21 2004
PARK CITY
PLANNING DEPT.

424 WOODSIDE AVENUE PLAT AMENDMENT





OWNER'S CONSENT TO RECORD:
Know all men, by these present, that I, Heather Berkley, am the owner of the hereon described property, hereinafter to be known as 424 Woodside Avenue, and certify that I have caused this survey to be made, and the plat to be prepared, and I do hereby consent to the recordation of this survey and plat amendment.

____
Heather Berkley

ACKNOWLEDGEMENT:
State of ____________.
County of ____________.
On this _____ day of _________, 2004, personally appeared before me, the undersigned Notary, in and for said State and County, Heather Berkley, who after being duly sworn, acknowledged to me that she is the owner of the hereon described property, and that she signed the above owner's consent to record freely and voluntarily.

Notary Public ______ My Commission Expires ______ Residing At ______

SURVEYOR'S CERTIFICATION:
I, Joe Dhaenens, hold license number 187821 as prescribed by the laws of the State of Utah, and certify that I have made a survey of the property shown hereon and as described in the legal description and notes hereon. I further certify that this plat is an accurate representation of the surveyed property.

REGISTERED LAND SURVEYOR No. 187821 JOSEPH DHAENENS STATE OF UTAH

Joe Dhaenens
August 24, 2004

LEGAL DESCRIPTION:
All of lots 26, 27, and 28, Block 4, Park City Survey, also being located in Section 16, Township 2 South, Range 4 East, Salt Lake Baseline and Meridian, Summit County, Utah.

$\boxed{424}$ = street address.

Surveyed by:
On The Map Land Surveying
P.O. Box 3864
Park City, UT 84060
ph 435-647-9826

Snyderville Basin Water Reclamation District
Reviewed for Conformance to Snyderville Basin Water Reclamation District standards on this _____ day of _______, 2004.

by: ______________
S.B.W.R.D.

City Council
Approved by the Park City Council on this _____ day of ______, 2004.

____
Mayor

____
City Recorder

City Planning Commission
Approved by the Park City Planning Commission on this _____ day of _______, 2004.

____
Chairperson

City Engineer
Found to be in accordance with information on file at the Park City Engineer's office on this _____ day of ________, 2004.

____
City Engineer

City Attorney
Approved as to form by the Park City Attorney on this _____ day of ______, 2004.

____
City Attorney

Recorded
Number: ______ Date: ______
State of Utah Time: ______
County of Summit Fee: ______
Recorded and Filed at the request of ______________

____
County Recorder

RECEIVED
SEP 21 2004
PARK CITY PLANNING DEPT.

City Council
Staff Report

Author: Brooks T. Robinson
Subject: Village at Empire Pass Phase 1A
First Amended and Restated Record of Survey
Paintbrush Homes
Date: November 4, 2004
Type of Item: Legislative

PLANNING DEPARTMENT

Summary Recommendations:
The Planning Department recommends the City Council open the public hearing, take any public comment, and consider approval of the First Amended and Restated Paintbrush Homes Record of Survey plat within the Village at Empire Pass based on the findings of fact, conclusions of law, and conditions of approval.

Topic:

Applicant	**Paintbrush Homes, LLC (East West Partners)**
Location	**Pod A, Village at Empire Pass**
Zoning	**Residential Development (RD) as part of the Flagstaff Master Planned Development (MPD)**
Adjacent Land Uses	**Deer Valley Resort, other potential development parcels of the Village at Empire Pass (Pod A).**

Background:
On June 24, 1999, Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area. Resolution 20-99 granted the equivalent of a “large-scale” master planned development (MPD) and set forth the types and locations of land use; maximum densities; timing of development; development approval process; as well as development conditions and amenities for each parcel.

The Development Agreement specifies that only 147 acres of the 1,655-acre annexation may be developed. The remainder of the annexation area is to be retained as passive and recreational open space. The Development Agreement further limits the mixed-use development in the Mountain Village area (Pods A, B-1, and B-2) to:

- ❖ No more than 705 Unit Equivalents in no more than 470 residential units (including not more than 60 PUD-style units) and not more than 16 single-family home sites.

- ❖ no more than 75,000 square feet of resort support commercial; and

❖ a maximum 35,000 square foot day skier lodge in Pod B-2.

Prior to construction, the applicant must receive site-specific MPD and final plat approval from the City. The Planning Commission takes action on MPD applications and forward recommendations to Council on subdivision plats.

On July 28, 2004, the Planning Commission approved an MPD for the entire Village. On September 22, 2004, the City Council approved the Village Phase I plat that included the Paintbrush Units 11 and 12 in Parcel 2.

On March 4, 2004, the City Council approved the Paintbrush Homes condominium plat for Units 1-7 as part of Phase IA. The application before the City is to amend the condominium plat by adding Units 11 and 12 and associated land to the condominium plat.

Analysis:
The amended condominium plat adds two units to the existing Paintbrush condo plat. The following square footage for each home is calculated as:

(Note: Each garage is over 600sf and the additional square footage is shown)

Unit 11:	4671 + 157
Unit 12:	5372 + 152
Total sf	10,352 sf or 5.2 UEs

The project is located within the RD zoning district. Setbacks in the RD zone are as follows:

- Front: 20 feet
- Rear: 15 feet
- Side: 12 feet

The two additional units meet the minimum setback requirements. The height requirement is 28 feet plus five feet for a pitched roof, 33 feet total. No height exception has been granted for these units. This application meets the requisite subdivision requirements of Title 15-7 of the Park City Municipal Code.

As per the approved Construction and Development Phasing Plan (Technical Report 10), City staff through an Administrative Conditional Use Permit will review each of the townhomes and PUD-style cluster homes.

The Planning Commission held a public hearing on October 20, 2004 and forwards a positive recommendation to the City Council.

Department Review
This project has gone through an interdepartmental review. No further issues have been identified.

Notice
The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record. No public input has been received by the time of this report.

Alternatives:

- The City Council may approve the Amended and Restated Paintbrush Record of Survey based on the Findings of Fact and Conclusions of Law below, or

- The City Council may deny the Amended and Restated Paintbrush Record of Survey and direct staff to prepare findings supporting this action, or

- The City Council may continue the discussion to a later date.

Recommendation:
The Planning Department recommends the City Council open the public hearing, take any public comment, and consider approval of the First Amended and Restated Paintbrush Homes Record of Survey plat within the Village at Empire Pass based on the findings of fact, conclusions of law, and conditions of approval as stated in the ordinance.

Ordinance No. 04-

AN ORDINANCE APPROVING AN AMENDED AND RESTATED PAINTBRUSH HOMES RECORD OF SURVEY PLAT, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Paintbrush Homes have petitioned the City Council for approval of the Amended and Restated Paintbrush Homes Record of Survey plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on October 20, 2004, to receive input on the Amended and Restated Paintbrush Homes Record of Survey plat;

WHEREAS, the Planning Commission, on October 20, 2004, forwarded a positive recommendation to the City Council; and,

WHEREAS, on November 4, 2004 the City Council approved the Amended and Restated Paintbrush Homes Record of Survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Amended and Restated Paintbrush Homes Record of Survey plat.

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

SECTION 1. APPROVAL. The Amended and Restated Paintbrush Homes Record of Survey plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The project is located in Pod A of the Flagstaff Mountain Annexation.
2. The zoning is Residential Development as part of the Flagstaff Mountain Resort Master Plan (RD-MPD).
3. The property uses adjacent to the proposed project are ski terrain and proposed residential.
4. The Planning Commission approved a Master Planned Development (MPD) for the Village on July 28, 2004.
5. On September 22, 2004, the City Council approved the Village Phase I plat that included the Paintbrush Units 11 and 12 in Parcel 2.
6. The proposed First Amended Record of Survey creates two (2) additional PUD-

style condominium residential units to the Paintbrush Homes condominium plat.

7. The two residential units are 4671 and 5372 square feet in size with each garage over the 600 square foot exception. The square footage in the garage over the 600sf exception is included as floor area for UE calculations. These units consume 10,352 square feet with a **total of these units of 5.2 UEs**.
11. Access to the units is not available by public street, only via private roads owned and maintained by the Master Homeowners Association.
12. The Planning Commission held a public hearing on October 20, 2004 and forwards a positive recommendation to the City Council.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Amended Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Amended Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All conditions of approval of the Village at Empire Pass Master Planned Development and Ordinance 04-05 approving the original condominium plat for Paintbrush Homes shall continue to apply.

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

PASSED AND ADOPTED this 4th day of November, 2004.

SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491 as prescribed by the laws of the State of Utah, and that I have caused to be made under my direction and by the authority of the owner(s), this Amended and Restated Condominium Plat of PAINTBRUSH HOMES, a Utah Expandable Condominium Project, in accordance with the provisions of the Utah Condominium Ownership Act.

REGISTERED LAND SURVEYOR No. 154491 JOHN DEMKOWICZ State of Utah

JOHN DEMKOWICZ, L.S. #154491 ______ DATE ______

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, the PAINTBRUSH RESIDENCES, LLC, a Delaware Limited Liability Company, the owner of the tract of land described hereon as PAINTBRUSH HOMES, a Utah Expandable Condominium Project, located on said tract of land, hereby certifies that it has caused this survey to be made and this Amended and Restated Condominium Plat consisting of four (4) sheet to be prepared and does hereby consent to the recordation of this Amended and Restated Condominium Plat and submit this property to the Utah Condominium Ownership Act.

The owner certifies that the buildings shown on this plat, but not under construction at the time the plat was recorded, will, when completed, be substantially as shown on the plat.

In witness whereof the undersigned has executed the certificate and dedication this ____ day of ________ 2004

PAINTBRUSH RESIDENCES, LLC,
A Delaware Limited Liability Company

By: Empire Mountain Village, LLC, It's Manager
By: HF Holding Corp. III, It's Manager

By ______________

Title ______________

ACKNOWLEDGMENT

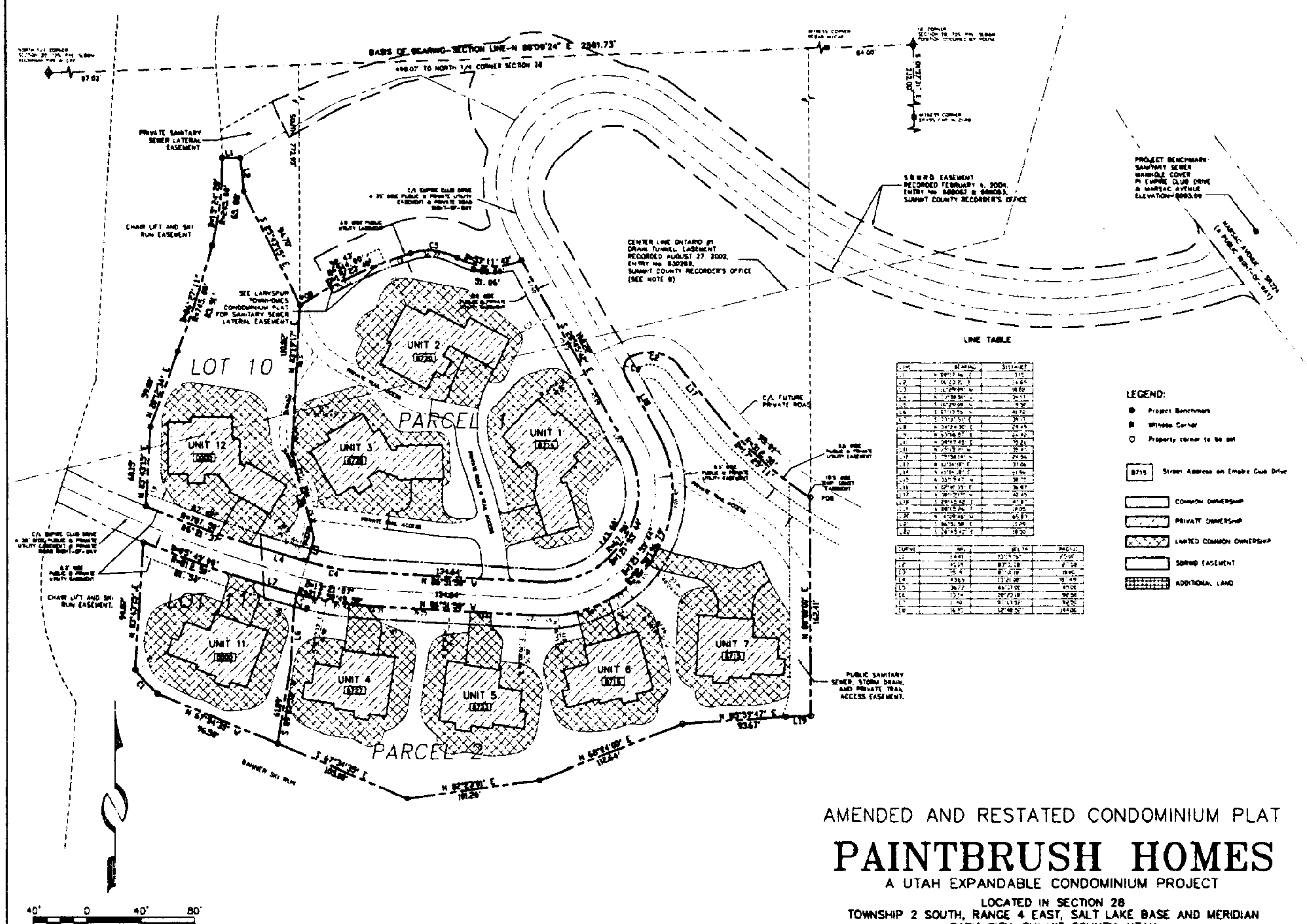
State of ____________
County of ____________ ss.

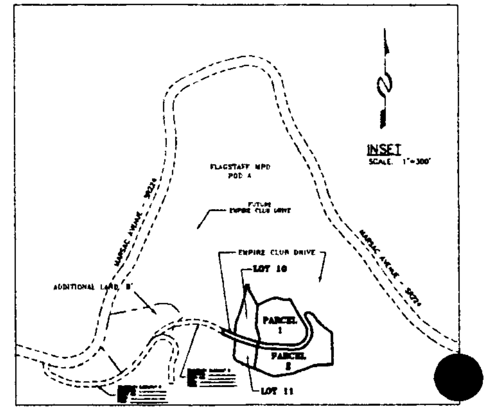
This instrument was acknowledged before me this _____ day of ____________ 2004 by ____________ the ____________ of HF HOLDING CORP III Manager of EMPIRE MOUNTAIN VILLAGE, LLC Manager of PAINTBRUSH RESIDENCES, LLC, a Delaware Limited Liability Company

____
Notary Public

Residing In ______________

My commission expires ______________





BOUNDARY DESCRIPTIONS

PARCEL 1

A parcel of land located in the northeast quarter of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian

Beginning at a point that is North 88°08'24" East 87.02 feet along section line and South 772.92 feet from the north quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being on a curve to the right having a radius of 344.00 feet, of which the radius point bears South 32°48'00" East, and running thence northeasterly along the arc of said curve 92.43 feet through a central angle of 15°23'40" to a point of compound curve to the right having a radius of 45.00 feet, of which the radius point bears South 17°24'20" East, thence easterly along the arc of said curve 38.22 feet through a central angle of 48°07'00" to a point of reverse curve to the left having a radius of 55.00 feet, of which the radius point bears North 28°42'40" East; thence easterly along the arc of said curve 51.06 feet through a central angle of 53°11'43"; thence South 28°45'42" East 180.22 feet to a point on a curve to the right having a radius of 67.50 feet, of which the radius point bears South 81°14'18" West, thence along the arc of said curve 143.60 feet through a central angle of 121°53'44", thence North 86°51'58" West 134.84 feet to a point on a curve to the right having a radius of 187.50 feet, of which the radius point bears North 03°08'02" East, thence along the arc of said curve 43.88 feet through a central angle of 13°21'07", thence North 16°29'09" East 18.02 feet; thence North 14°09'46" West 85.83 feet, thence North 03°18'17" East 110.83 feet to the point of beginning.

PARCEL 2

A parcel of land located in the northeast quarter of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian

Beginning at a point that is North 88°08'24" East 475.91 feet along section line and South 828.80 feet from the north quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and running thence South 182.41 feet, thence South 88°03'28" West 18.05 feet, thence South 85°58'47" West 73.81 feet; thence South 68°24'00" West 112.84 feet; thence South 82°23'01" West 101.28 feet, thence North 87°34'35" West 105.08 feet, thence North 09°03'33" East 81.08 feet; thence North 03°13'58" East 41.72 feet, thence North 16°29'09" East 9.50 feet to a point on a non tangent curve to the left having a radius of 212.50 feet, of which the radius point bears North 16°29'09" East; thence easterly along the arc of said curve 49.57 feet through a central angle of 13°21'07"; thence South 86°51'58" East 134.84 feet to a point on a curve to the left having a radius of 92.50 feet, of which the radius point bears North 03°08'02" East, thence along the arc of said curve 196.78 feet through a central angle of 121°53'44"; thence North 28°45'42" West 47.87 feet to a point on a curve to the right having a radius of 10.00 feet, of which the radius point bears North 81°14'18" East, thence along the arc of said curve 15.19 feet through a central angle of 87°01'18" to a point of compound curve to the right having a radius of 27.50 feet, of which the radius point bears South 31°44'25" East, thence easterly along the arc of said curve 40.09 feet through a central angle of 83°31'08"; thence South 38°13'17" East 42.45 feet to a point on a curve to the left having a radius of 312.50 feet, of which the radius point bears North 51°46'43" East; thence along the arc of said curve 95.01 feet through a central angle of 17°25'11" to the point of beginning.

Together with

All of Lots 10 AND 11 of THE VILLAGE AT EMPIRE PASS, PHASE 1 SUBDIVISION according to the official plat of record and on file in the office of the Summit County Recorder, Recorded __________ Entry No. __________, Book __________ Page ________

NOTES:

1. The dimensions of the private spaces and square footage calculations are based on drawings supplied by Sagerberg Mayhew & Associates Architects, P.C. The square footages shown on this plat are calculated in accordance with the Utah Condominium Act and the Declaration of Condominium for Paintbrush Homes. Such calculation typically differs somewhat from the square footage determined by the architect or others using different methods of determining unit size. It is the intent that the private ownership area of the units will be as constructed.
2. All common structural elements are designated as Common Areas, as described in the Declaration of Condominium.
3. All building ties are at right angles or radial to the boundary unless otherwise noted.
4. At the time of any resurfacing of Empire Club Drive, the Master Association shall be responsible to adjust wastewater [illegible] to grade according to Snyderville Basin Water Reclamation District Standards.
5. All Common Area is dedicated as a non-exclusive easement to Park City Municipal Corporation, Snyderville Basin Wat[illegible] District, Park City Fire Protection District, Summit County, for the purpose of providing access for utility and drainage [illegible], use, maintenance, and eventual replacement.
6. The Private Trail Access shown on this plat identifies certain portions of the Common Area that may be used for summer and winter access to trails, ski runs and other adjacent recreational areas. The Private Trail Access may be used by all owners of Paintbrush Homes units, owners of units in the Larkspur Townhomes development, and as otherwise permitted in the Declaration of Condominium for Paintbrush Homes. Private Summer Trail Access will not be maintained in the winter so as to provide for skiing access.
7. There are Limited Common Areas which surround each Unit, as shown hereon, for the purpose of providing Unit owners with added privacy and the exclusive right to use and occupy such land surrounding their respective Unit. These Limited Common Areas are in addition to the decks, entries and other Limited Common Areas shown on the plat. The use of all Limited Common Areas is described in more detail in the Declaration of Condominium for Paintbrush Homes. Certain portions of the Private Trail Access may be restricted to summer use only.
8. The Easement in favor of the Jordanelle Special Service District is for a water drain tunnel situated approximately 900 feet below the surface of the property. This easement does not grant any rights to access, disturb or modify the surface of the property.
9. The final locations of the ski lift and ski runs [illegible] on The Village at Empire Pass (in which the Paintbrush Homes are situated) have not yet b[illegible] easements for a public ski trail, ski trail construction, and ski lift in the approxima[illegible] the right to grant additional easements for ski access and ski trails over th[illegible] property [illegible].
10. Access to the units is by private roads and [illegible] not warranted by Park City.

RECEIVED
AUG 18 2004
PARK CITY PLANNING DEPT.

AMENDED AND RESTATED CONDOMINIUM PLAT

PAINTBRUSH HOMES

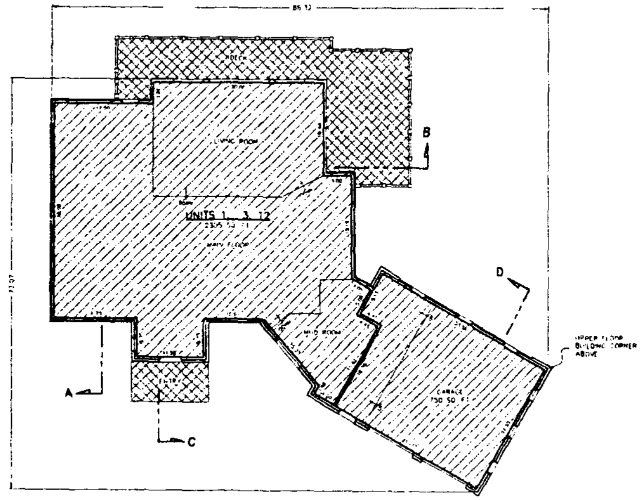
A UTAH EXPANDABLE CONDOMINIUM PROJECT

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

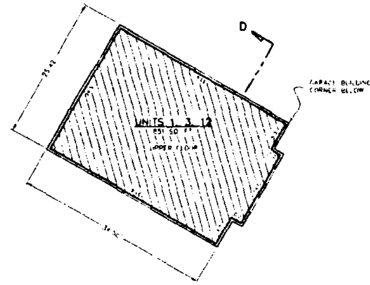
PAGE 1 OF 4

JOB NO.: 3-12-02

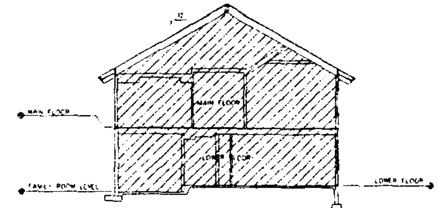
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF ________, 2004 A.D. BY ________ S.B.W.R.D.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF ________, 2004 A.D. BY ________ CHAIRMAN	FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF ________, 2004 A.D. BY ________ PARK CITY ENGINEER	APPROVED AS TO FORM THIS _____ DAY OF ________, 2004 A.D. BY ________ PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF ________ 2004 A.D. BY ________ PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF ________ 2004 A.D. BY ________ MAYOR	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ________ DATE _____ TIME _____ BOOK _____ PAGE _____ FEE ________ RECORDER



UNITS 1, 3, 12
MAIN FLOOR
SCALE 1"=10'



UNITS 1, 3, 12
UPPER FLOOR
SCALE 1"=10'



SECTION A
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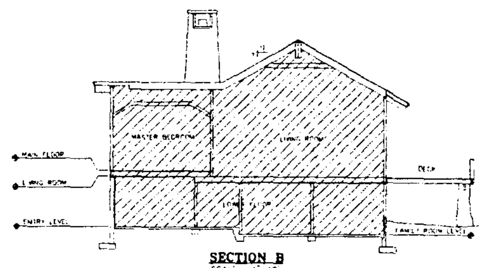

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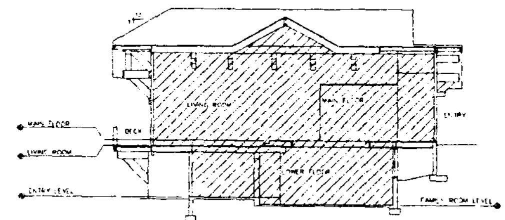

SECTION C
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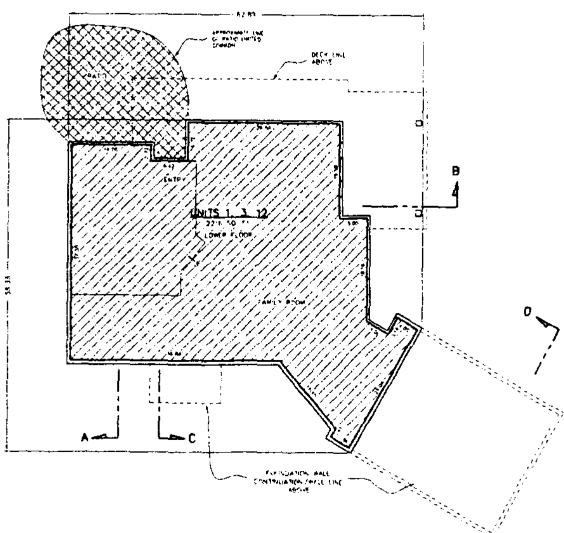
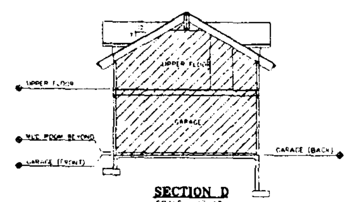


UNITS 1, 3, 12
LOWER FLOOR
SCALE 1"=10'



SECTION D
SCALE 1"=10'

OWNERSHIP DESIGNATIONS

- PRIVATE OWNERSHIP
- COMMON OWNERSHIP
- LIMITED COMMON OWNERSHIP

10 0 10 20

SQUARE FOOTAGE TABLE

UNIT	FLOOR LOWER	MAIN	UPPER	TOTAL	GARAGE
1	2216	2305	851	5372	750
3	2216	2305	851	5372	750
12	2216	2305	851	5372	750

ELEVATION TABLE

UNIT	LOWER FLOOR ENTRY	LOWER FLOOR FAMILY RM	LIVING ROOM	MAIN FLOOR	MUD ROOM	UPPER FLOOR	GARAGE FRONT	GARAGE BACK
1	8164.9	8163.7	8174.0	8175.0	8177.5	8197.8	8177.0	8177.3
3	8170.9	8169.7	8180.0	8181.0	8181.0	8191.3	8180.5	8180.8
12	8171.9	8170.7	8181.0	8182.0	8182.0	8192.3	8181.5	8181.8

AMENDED AND RESTATED CONDOMINIUM PLAT

PAINTBRUSH HOMES

A UTAH EXPANDABLE CONDOMINIUM PROJECT

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

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PARK CITY
PLANNING DEPT.

PAGE 2 OF 4

JOB NO. 3-12-02 FILE

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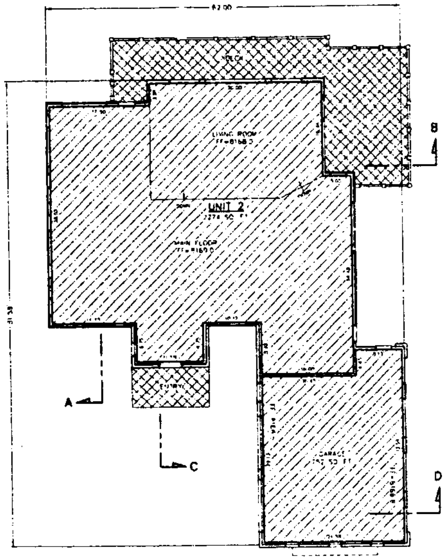
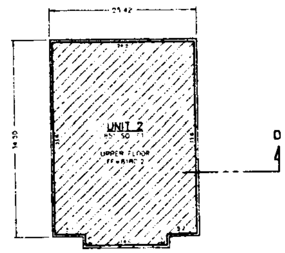
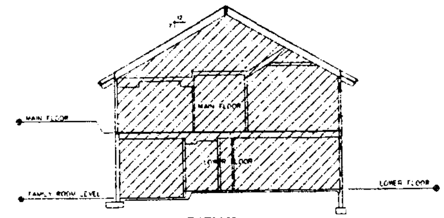


UNIT 2
MAIN FLOOR
SCALE 1"=10'



UNIT 2
UPPER FLOOR
SCALE 1"=10'



SECTION A
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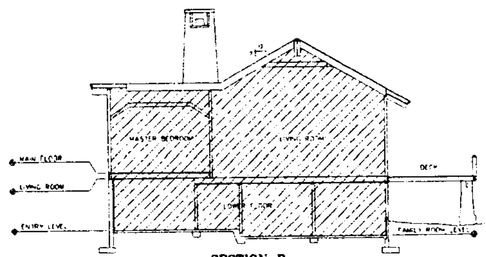

SECTION B
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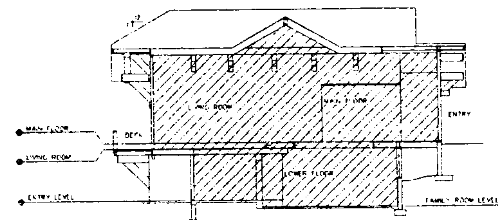

SECTION C
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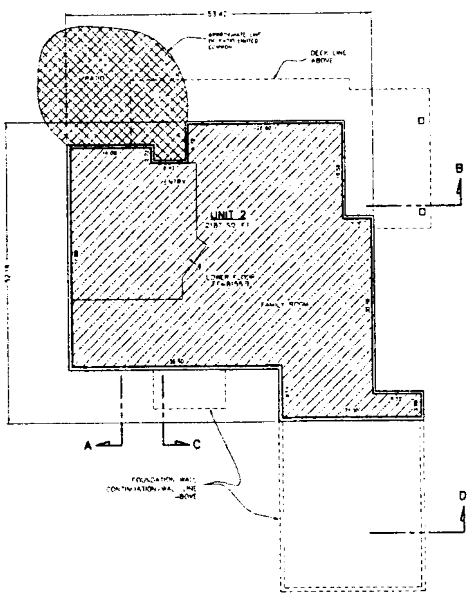


UNIT 2
LOWER FLOOR
SCALE 1"=10'

OWNERSHIP DESIGNATIONS

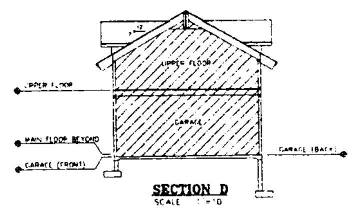
- PRIVATE OWNERSHIP
- COMMON OWNERSHIP
- LIMITED COMMON OWNERSHIP

SQUARE FOOTAGE TABLE

UNIT	FLOOR LOWER	MAIN	UPPER	TOTAL	GARAGE
2	2187	2274	951	[illegible]	752

ELEVATION TABLE

UNIT	LOWER FLOOR ENTRY	FAMILY RM	LIVING ROOM	MAIN FLOOR	UPPER FLOOR	GARAGE FRONT	BACK
2	8158.6	8157.7	8168.0	8167.0	8172.3	8168.5	8168.8



SECTION D
SCALE 1"=10'

AMENDED AND RESTATED CONDOMINIUM PLAT

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PAGE 3 OF 4

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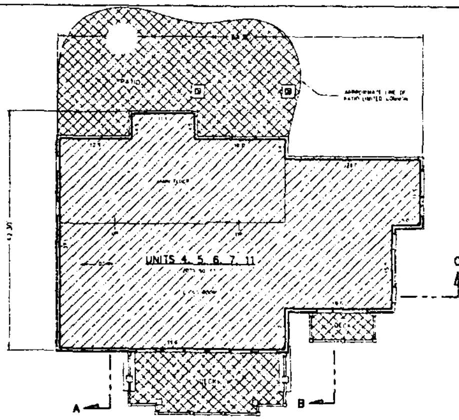
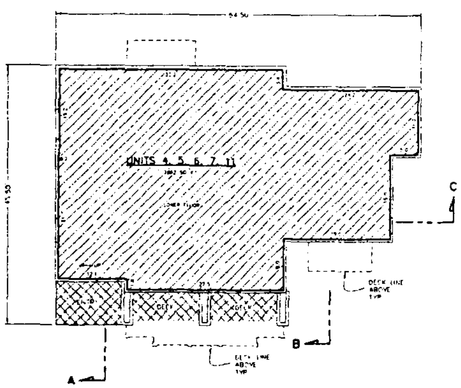
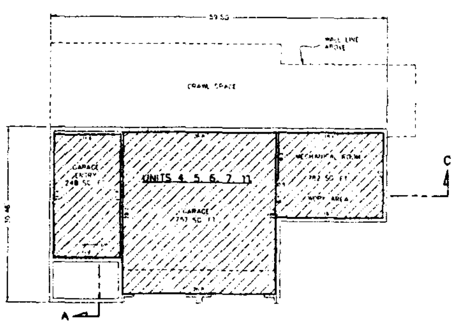


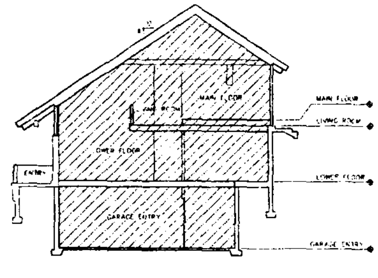
UNITS 4, 5, 6, 7, 11
MAIN FLOOR
SCALE
(UNITS 5, 7 ARE MIRROR IMAGE OF UNITS 4, 6)



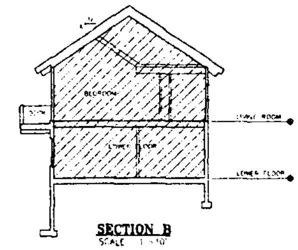
UNITS 4, 5, 6, 7, 11
LOWER FLOOR
SCALE
(UNITS 5, 7 ARE MIRROR IMAGE OF UNITS 4, 6)



UNITS 4, 5, 6, 7, 11
GARAGE FLOOR
SCALE
(UNITS 5, 7 ARE MIRROR IMAGE OF UNITS 4, 6)



SECTION A
SCALE 1"=10'



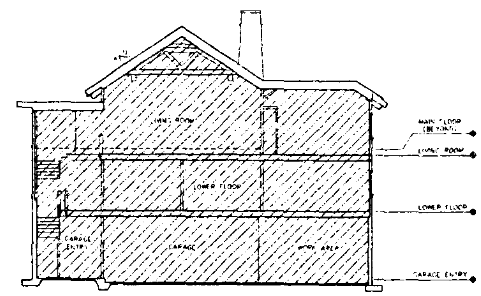
SECTION B
SCALE 1"=10'

SQUARE FOOTAGE TABLE

UNITS	FLOOR: GARAGE ENTRY/ MECH. AREA	LOWER	MAIN	TOTAL	GARAGE
4-7	530	2062	2079	4671	[illegible]
4-7	530	2062	2079	4671	[illegible]

ELEVATION TABLE

UNIT	GARAGE ENTRY	LOWER ROOM	LIVING ROOM	MAIN FLOOR	GARAGE FRONT	GARAGE BACK
4	8186.7	8198.5	8208.5	8207.5	[illegible]	[illegible]
5	8185.2	8197.0	[illegible]	8208.0	8184.4	8184.5
6	[illegible]	8190.0	[illegible]	[illegible]	8177.3	[illegible]
7	8175.6	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
11	8184.6	8194.5	[illegible]	[illegible]	8181.0	[illegible]



SECTION C
SCALE 1"=10'

OWNERSHIP DESIGNATIONS

- PRIVATE OWNERSHIP
- COMMON OWNERSHIP
- LIMITED COMMON OWNERSHIP

AMENDED AND RESTATED CONDOMINIUM PLAT

PAINTBRUSH HOMES

A UTAH EXPANDABLE CONDOMINIUM PROJECT

LOCATED IN SECTION 28
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PAGE 4 OF 4

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________ FEE ________ RECORDER

City Council
Staff Report

PARK CITY 1884

Author:	**Brooks T. Robinson**
Subject:	**Village at Empire Pass, Shooting Star Condominium Conversion**
Date:	**November 4, 2004**
Type of Item:	**Administrative**

PLANNING DEPARTMENT

Summary Recommendations:
The Planning Department recommends the City Council hold a public hearing for the Shooting Star Lodge at the Village at Empire Pass condominium record of survey plat. Staff has prepared findings of fact, conclusions of law and conditions of approval.

Topic:

Applicant	**East West Partners**
Location	**Pod A, Village at Empire Pass**
Zoning	**Residential Development (RD) as part of the Flagstaff Master Planned Development (MPD)**
Adjacent Land Uses	**Deer Valley Resort, other potential development parcels of the Village at Empire Pass Pod A.**

Background:
On June 24, 1999, Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area. Resolution 20-99 granted the equivalent of a “large-scale” master planned development (MPD) and set forth the types and locations of land use; maximum densities; timing of development; development approval process; as well as development conditions and amenities for each parcel.

On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A. As part of the Commission review of the MPD, Building Two (Shooting Star) was examined carefully for height, layout and architectural character, as it was the furthest along in terms of design and provided detailed insight into the architectural nature of the overall development. A height exception was granted for Building Two.

On August 25, 2004, the Planning Commission approved a Conditional Use Permit for the Shooting Star Lodge for 21 units plus an ADA unit utilizing 36,481 square feet and 18.3 Unit Equivalents.

On September 30, 2004, the City Council approved a Final Subdivision Plat for the Village at Empire Pass, Phase I. The Shooting Star Lodge is located on lot 8.

The Planning Commission held a public hearing on October 20, 2004, and forwards a positive recommendation to the City Council.

Analysis:
The project is located within the RD zoning district. Setbacks in the RD zone are as follows:

- Front: 20 feet
- Rear: 15 feet
- Side: 12 feet

The Shooting Star building meets the minimum setback requirements. A height exception has been granted for this building for a total height of 72 feet. This application meets the requisite subdivision requirements of Title 15-7 of the Park City Municipal Code and the Conditional Use Permit approval for the Shooting Star Lodge.

The 21 units range in size from 1351 square feet to 2028 square feet.

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

Notice
The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record. No public input has been received by the time of this report.

Alternatives

- The City Council may approve the Shooting Star Lodge condominium plat as conditioned or amended, or
- The City Council may deny the Shooting Star Lodge condominium plat and direct staff to make Findings for this decision, or
- The City Council may continue the discussion on the Shooting Star Lodge condominium plat.

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

Recommendation
The Planning Department recommends the City Council hold a public hearing for the Shooting Star Lodge at the Village at Empire Pass condominium record of survey plat. Staff has prepared findings of fact, conclusions of law and conditions of approval as stated in the ordinance.

Ordinance No. 04-

AN ORDINANCE APPROVING THE SHOOTING STAR LODGE CONDOMINIUM PLAT, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Shooting Star Lodge have petitioned the City Council for approval of the Shooting Star Lodge condominium plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on October 20, 2004, to receive input on the Shooting Star Lodge condominium plat;

WHEREAS, the Planning Commission, on October 20, 2004, forwarded a positive recommendation to the City Council; and,

WHEREAS, on November 4, 2004 the City Council approved the Shooting Star Lodge condominium plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Shooting Star Lodge condominium plat.

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

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

Findings of Fact:
1. The Shooting Star Lodge is located in the RD-MPD zoning district.
2. The City Council approved the Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities.
3. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A.
4. On August 25, 2004, the Planning Commission approved a Conditional Use Permit for the Shooting Star Lodge for 21 units plus an ADA unit utilizing 36,481 square feet and 18.3 Unit Equivalents.

5. On September 30, 2004, the City Council approved a Final Subdivision Plat for the Village at Empire Pass, Phase I. The Shooting Star Lodge is located on lot 8.
6. The proposed is consistent with the approved Master Planned Development for the Village at Empire Pass and the Conditional Use Permit for the Shooting Star Lodge.
7. The 21 units range in size from 1351 square feet to 2028 square feet.
8. A height exception has been granted for this building for a total height of 72 feet.
9. The Planning Commission held a public hearing on October 20, 2004, and forwards a positive recommendation to the City Council.

<u>Conclusions of Law:</u>

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

<u>Conditions of Approval:</u>

1. The City Attorney and City Engineer will review and approve the final form and content of the Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All conditions of approval of the Village at Empire Pass Master Planned Development, Village Phase I plat and the Shooting Star Conditional Use Permit shall continue to apply.
4. The final plat for The Village at Empire Pass, Phase I shall be recorded prior to the Record of Survey for Shooting Star Lodge.

<u>SECTION 2. EFFECTIVE DATE.</u> This Ordinance shall take effect upon publication.

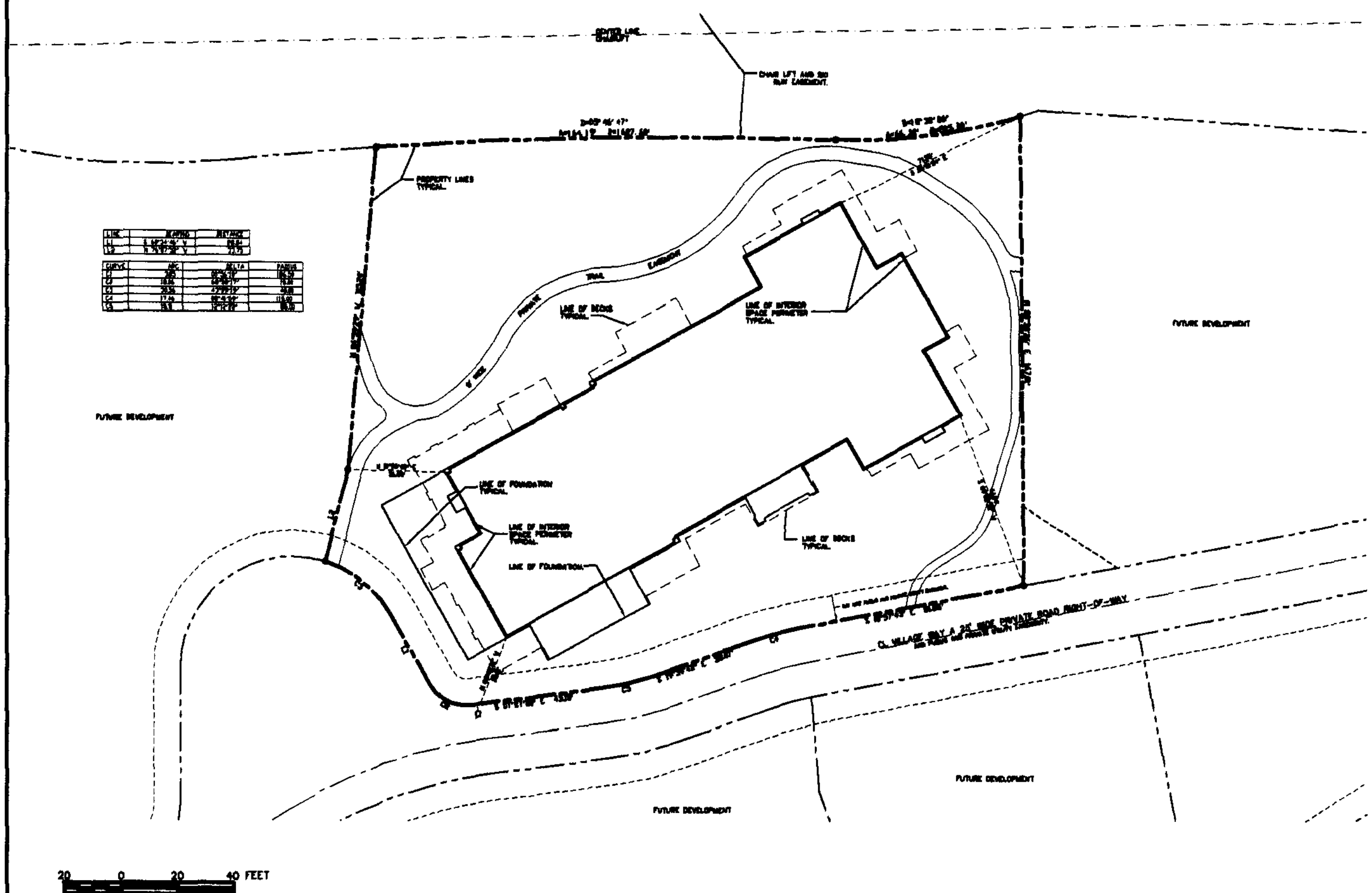
PASSED AND ADOPTED this 4th day of November, 2004.

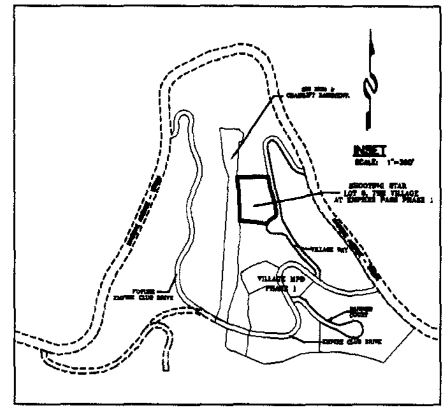
SURVEYOR'S CERTIFICATE

BOUNDARY DESCRIPTIONS

OWNER'S DEDICATION AND CONSENT TO RECORD

ACKNOWLEDGMENT





NOTES:

LEGEND:

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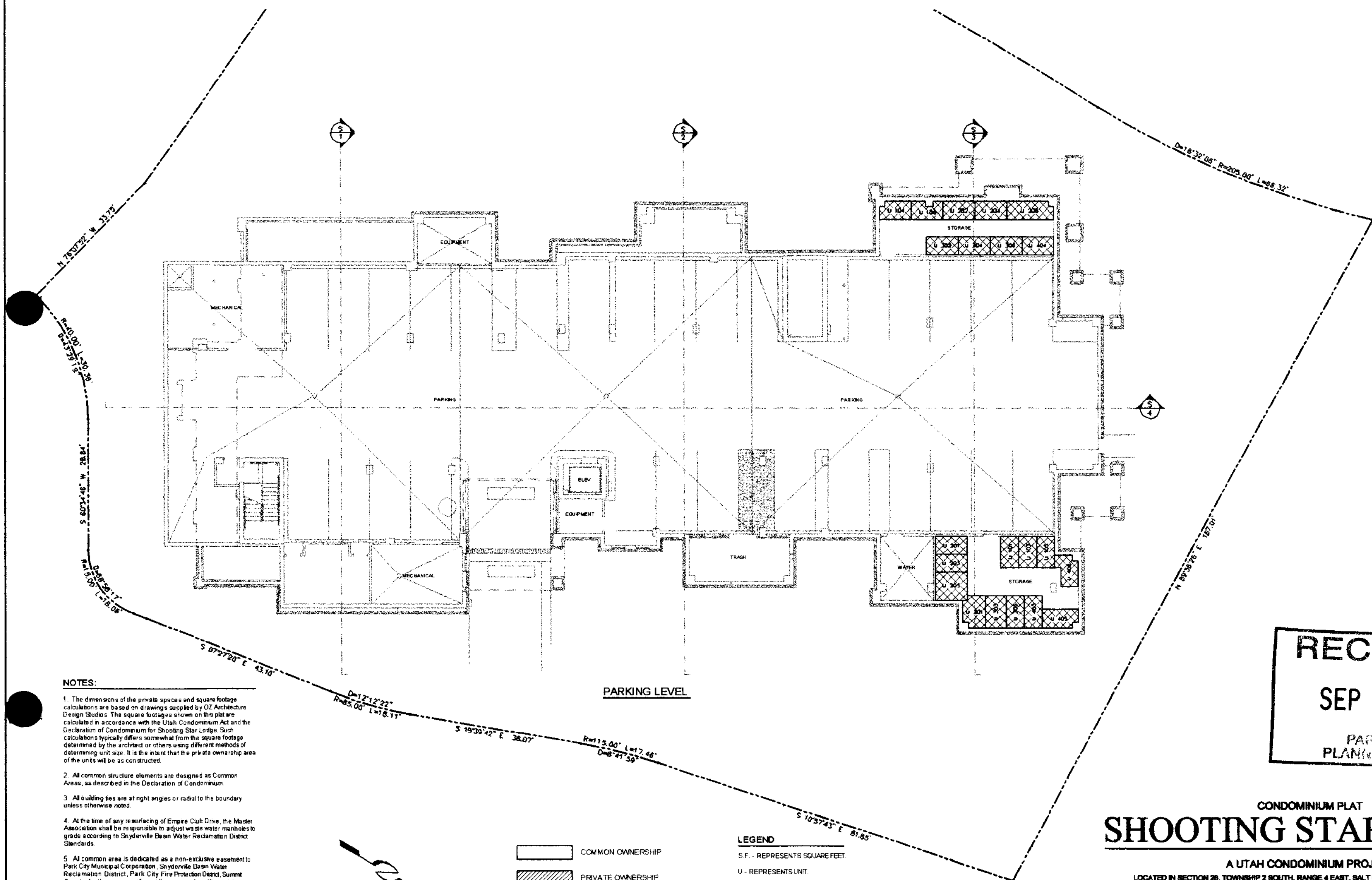
CONDOMINIUM PLAT

SHOOTING STAR LODGE

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

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ______ DAY OF ________, 2004 A.D. BY ________ S.B.W.R.D.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF ________, 2004 A.D. BY ________ CHAIRMAN	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF ________, 2004 A.D. BY ________ PARK CITY ENGINEER	APPROVED AS TO FORM THIS ____ DAY OF ________, 2004 A.D. BY ________ PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF ________, 2004 A.D. BY ________ PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF ________, 2004 A.D. BY ________ MAYOR	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ________ DATE ____ TIME ____ BOOK ____ PAGE ____ FEE ____ RECORDER

PAGE 1 OF 8



NOTES:

1. The dimensions of the private spaces and square footage calculations are based on drawings supplied by OZ Architecture Design Studios. The square footages shown on this plat are calculated in accordance with the Utah Condominium Act and the Declaration of Condominium for Shooting Star Lodge. Such calculations typically differs somewhat from the square footage determined by the architect or others using different methods of determining unit size. It is the intent that the private ownership area of the units will be as constructed.

2. All common structure elements are designed as Common Areas, as described in the Declaration of Condominium.

3. All building ties are at right angles or radial to the boundary unless otherwise noted.

4. At the time of any resurfacing of Empire Club Drive, the Master Association shall be responsible to adjust waste water manholes to grade according to Snyderville Basin Water Reclamation District Standards.

5. All common area is dedicated as a non-exclusive easement to Park City Municipal Corporation, Snyderville Basin Water Reclamation District, Park City Fire Protection District, Summit County, for the purpose of providing access for utility and drainage installation, use, maintenance, and eventual replacement.

6. The Private Trail Access shown on this plat identifies certain portions of the Common Area that may be used for summer and winter access to trails, ski runs and other adjacent recreational areas. The Private Trail Access may be used by all owners of The Village at Empire Pass development, and as otherwise permitted in the Declaration of Condominium for Shooting Star Lodge.

7. Access to the units is by private roads and is not warranted by Park City

10 0 10 20 FEET

COMMON OWNERSHIP

PRIVATE OWNERSHIP

LIMITED COMMON OWNERSHIP

CONVERTIBLE SPACE

LEGEND

S.F. - REPRESENTS SQUARE FEET.

U - REPRESENTS UNIT.

ELEV - REPRESENTS ELEVATOR.

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SEP 13 2004
PARK CITY
PLANNING DEPT.

CONDOMINIUM PLAT

SHOOTING STAR LODGE

A UTAH CONDOMINIUM PROJECT

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

Recorded concurrently herewith is the Declaration of Condominium for Shooting Star Lodge at Empire Pass.

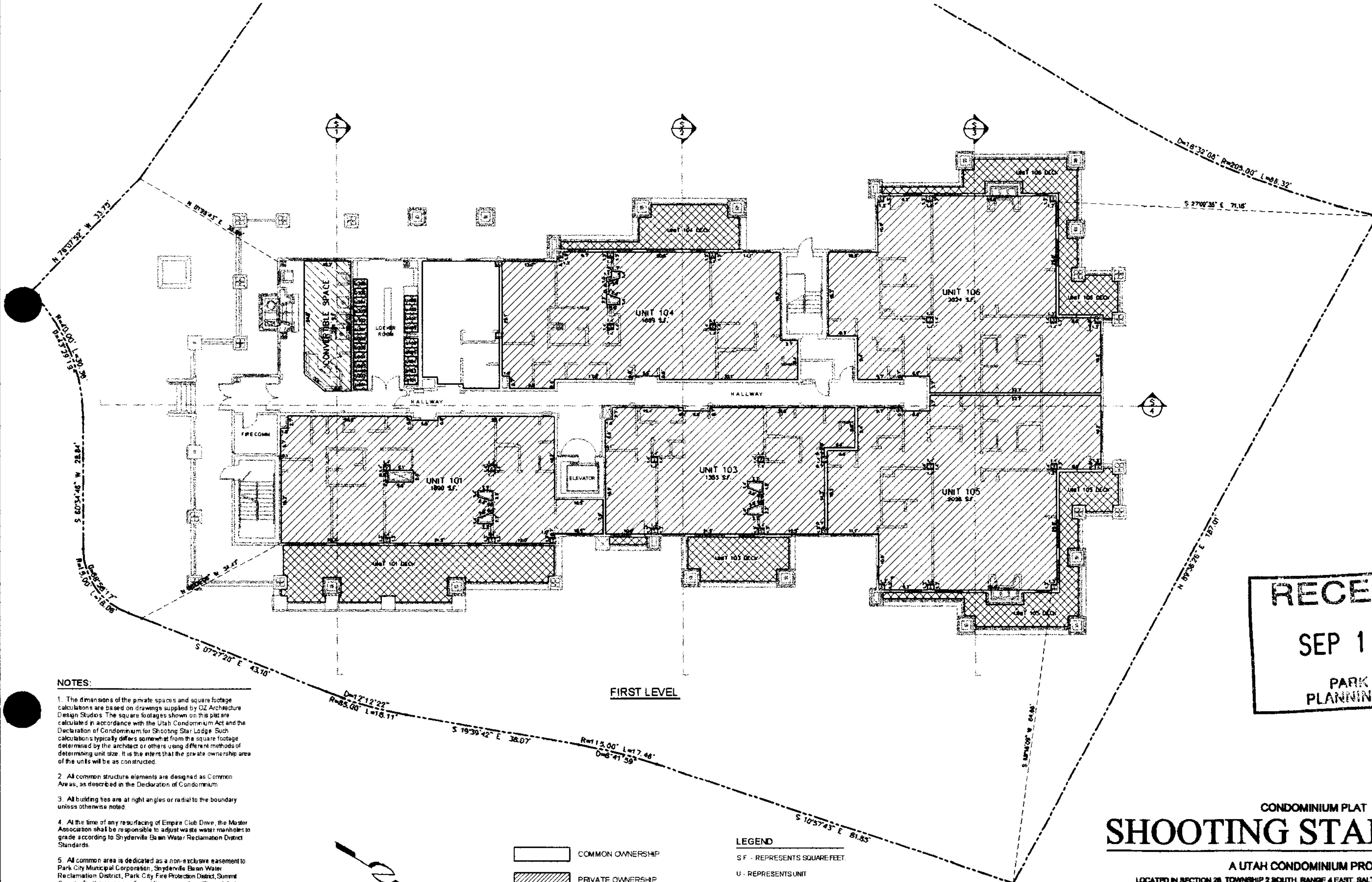
SHEET 2 OF 9

JOB NO: Y:\PI\P1

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ____________
DATE ______ TIME ______ BOOK ______ PAGE ______

FEE RECORDER



FIRST LEVEL

NOTES:

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10 0 10 20 FEET

- COMMON OWNERSHIP
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP
- CONVERTIBLE SPACE

LEGEND

S.F. - REPRESENTS SQUARE FEET.
U. - REPRESENTS UNIT
ELEV. - REPRESENTS ELEVATOR.

RECEIVED
SEP 13 2004
PARK CITY
PLANNING DEPT.

CONDOMINIUM PLAT

SHOOTING STAR LODGE

A UTAH CONDOMINIUM PROJECT

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

Recorded concurrently herewith is the Declaration of Condominium for Shooting Star Lodge at Empire Pass.

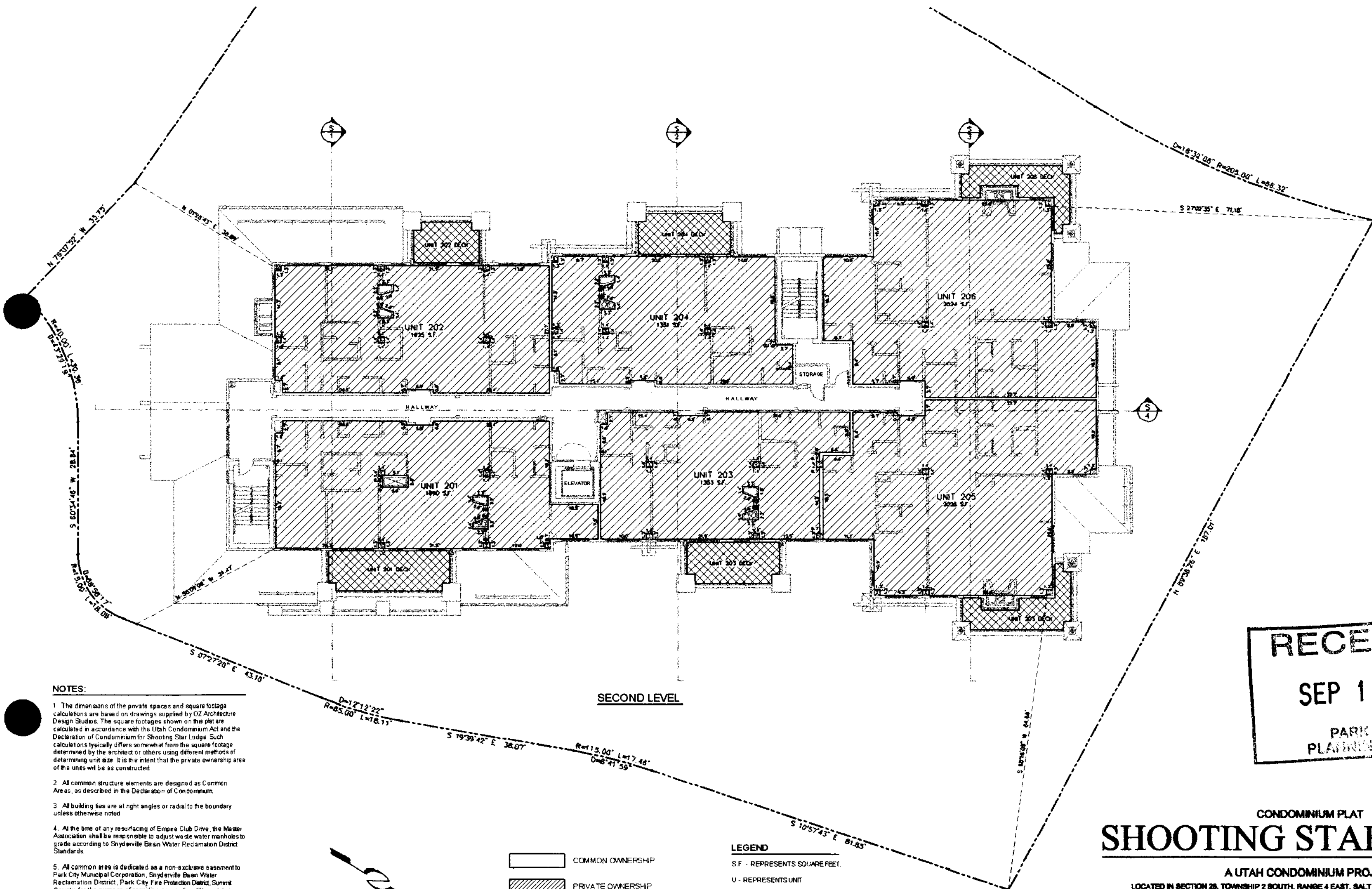
SHEET 3 OF 9

JOB NO: Y:\P\P1

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ______
DATE: ______ TIME ______ BOOK ______ PAGE ______

______ FEE ______ RECORDER



SECOND LEVEL

NOTES:

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2. All common structure elements are designed as Common Areas, as described in the Declaration of Condominium.

3. All building ties are at right angles or radial to the boundary unless otherwise noted.

4. At the time of any resurfacing of Empire Club Drive, the Master Association shall be responsible to adjust waste water manholes to grade according to Snyderville Basin Water Reclamation District Standards.

5. All common area is dedicated as a non-exclusive easement to Park City Municipal Corporation, Snyderville Basin Water Reclamation District, Park City Fire Protection District, Summit County, for the purpose of providing access for utility and drainage installation, use, maintenance, and eventual replacement.

6. The Private Trail Access shown on this plat identifies certain portions of the Common Area that may be used for summer and winter access to trails, ski runs and other adjacent recreational areas. The Private Trail Access may be used by all owners of The Village at Empire Pass development, and as otherwise permitted in the Declaration of Condominium for Shooting Star Lodge.

7. Access to the units is by private roads and is not warranted by Park City.

10 0 10 20 FEET

- COMMON OWNERSHIP
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP
- CONVERTIBLE SPACE

LEGEND

S.F. - REPRESENTS SQUARE FEET
U - REPRESENTS UNIT
ELEV. - REPRESENTS ELEVATOR

RECEIVED
SEP 13 2004
PARK CITY
PLANNING DEPT.

CONDOMINIUM PLAT

SHOOTING STAR LODGE

A UTAH CONDOMINIUM PROJECT

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

Recorded concurrently herewith is the Declaration of Condominium for Shooting Star Lodge at Empire Pass.

SHEET 4 OF 9

JOB NO: Y:\PI\P1

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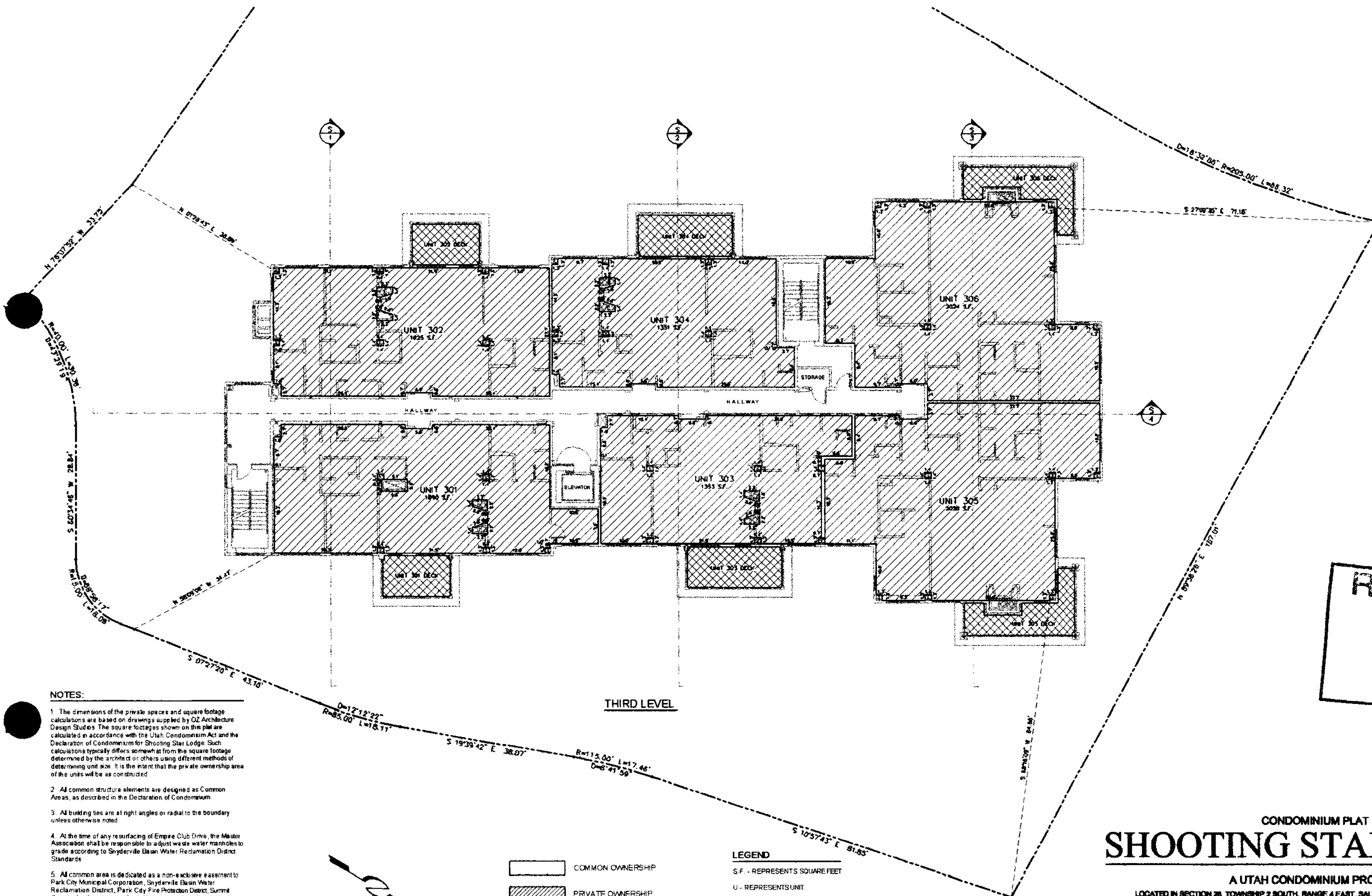

THIRD LEVEL

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COMMON OWNERSHIP
PRIVATE OWNERSHIP
LIMITED COMMON OWNERSHIP
CONVERTIBLE SPACE

LEGEND

S.F. - REPRESENTS SQUARE FEET
U. - REPRESENTS UNIT
ELEV. - REPRESENTS ELEVATOR

CONDOMINIUM PLAT

SHOOTING STAR LODGE

A UTAH CONDOMINIUM PROJECT

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

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SHEET 5 OF 9

RECEIVED
SEP 13 2004
PARK CITY
PLANNING DEPT.

JOB NO:	Y:\PI\P1
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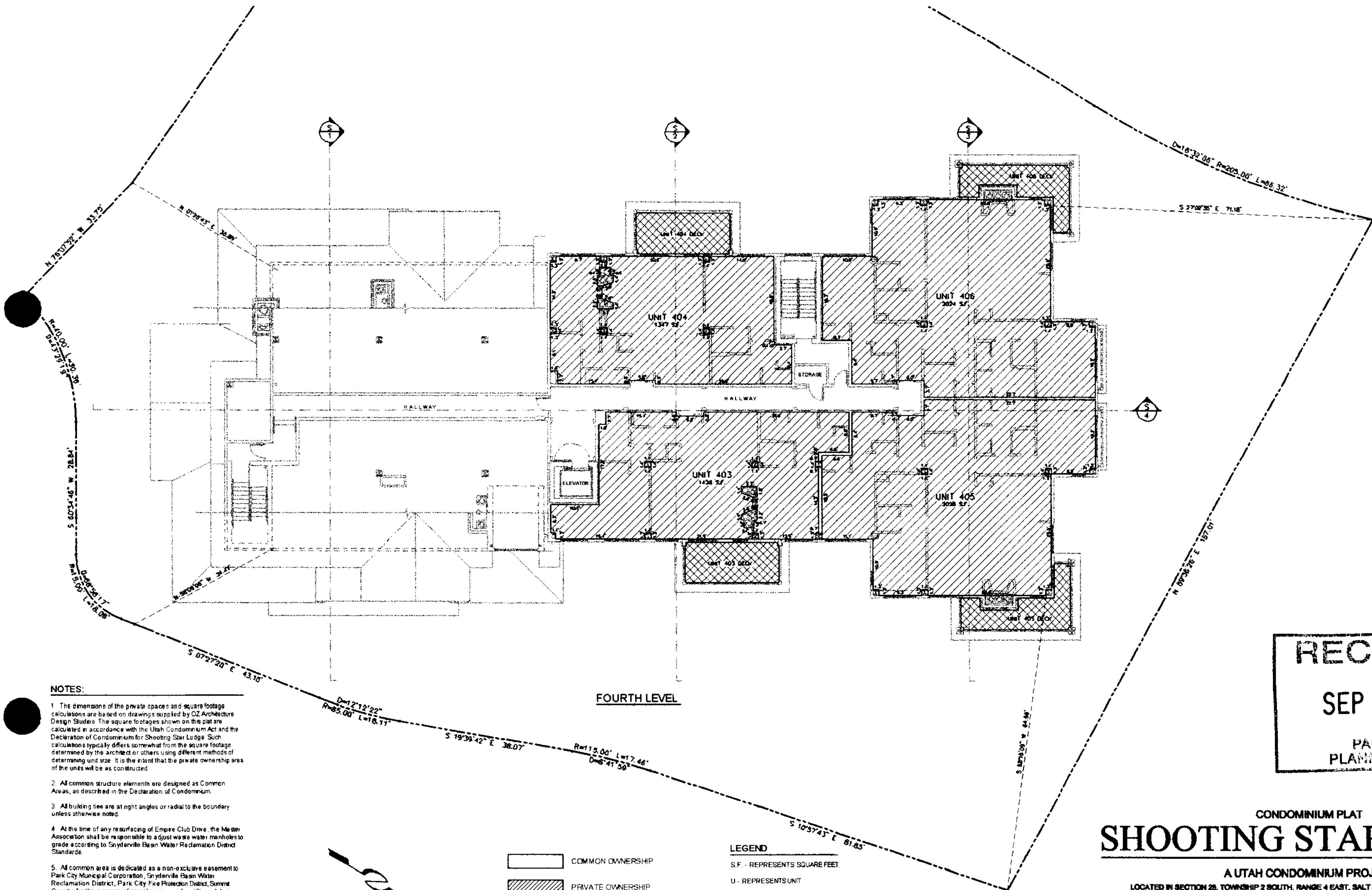

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PRIVATE OWNERSHIP
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Recorded concurrently herewith is the Declaration of Condominium for Shooting Star Lodge at Empire Pass.

SHEET 6 OF 9

JOB NO: Y:\PI\P1

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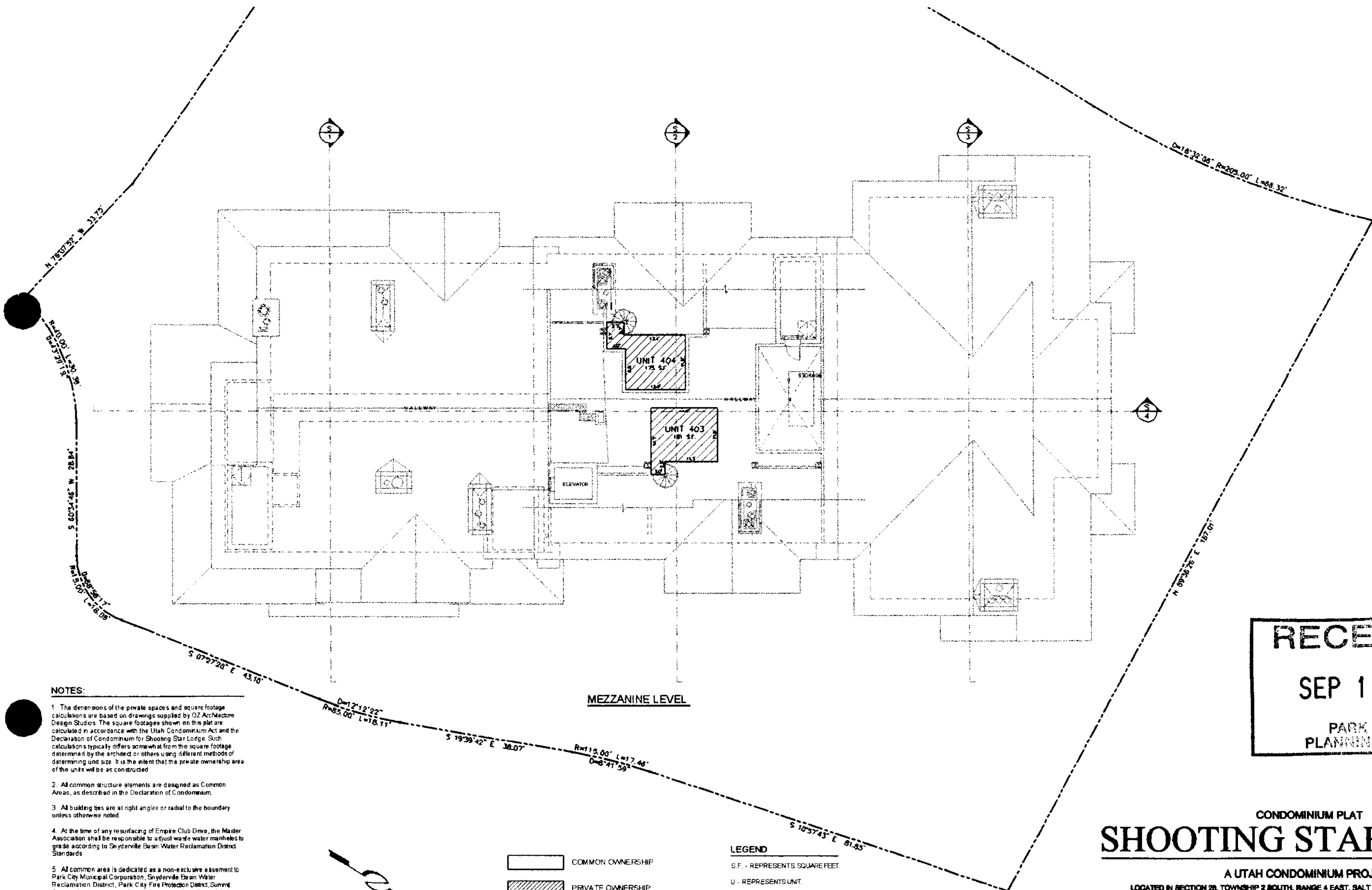
FEE RECORDER



MEZZANINE LEVEL

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SHEET 7 OF 9

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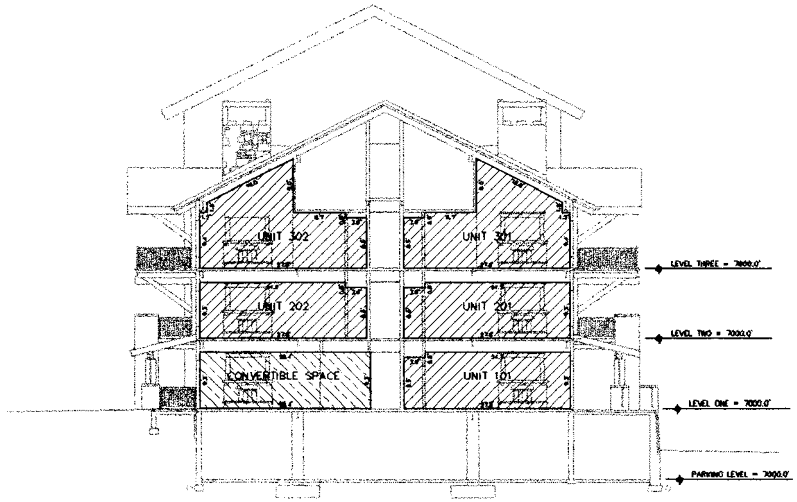
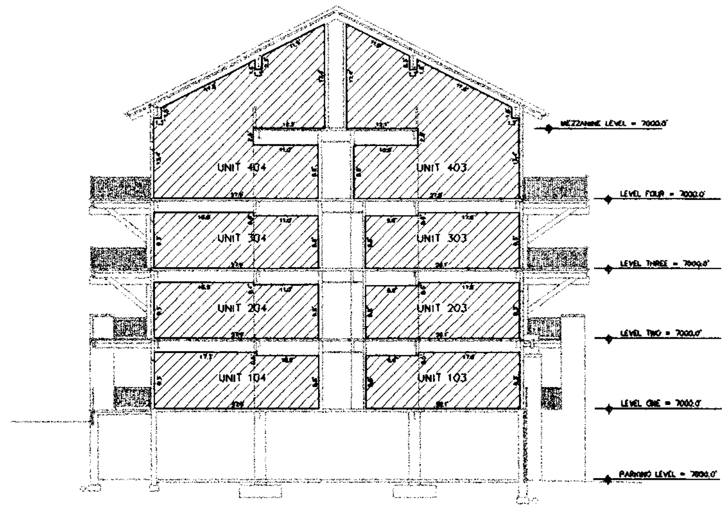
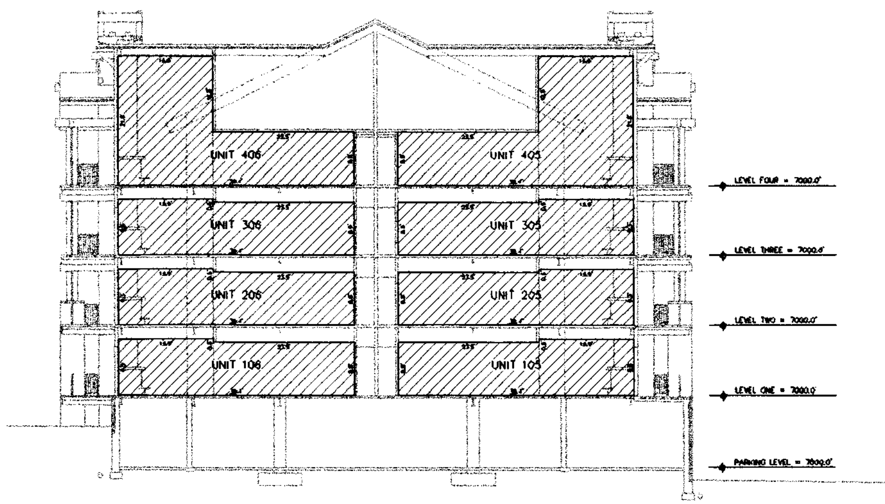


SECTION S-1



SECTION S-2



SECTION S-3

10 0 10 20 FEET

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COMMON OWNERSHIP

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LIMITED COMMON OWNERSHIP

CONVERTIBLE SPACE

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SEP 13 2004
PARK CITY
PLANNING DEPT.

CONDOMINIUM PLAT

SHOOTING STAR LODGE

A UTAH CONDOMINIUM PROJECT

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

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SHEET 8 OF 9

JOB NO: Y:\PI\P1

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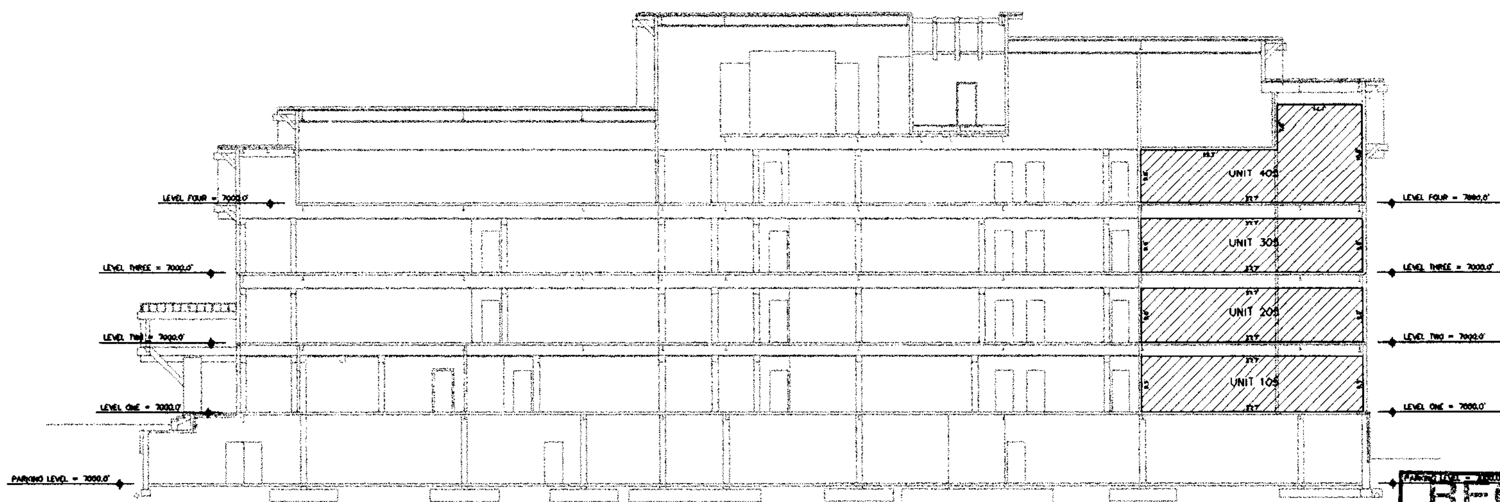

SECTION S-4

10 0 10 20 FEET

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SHEET 9 OF 9

JOB NO: Y:\P\P1

RECORDED
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FEE RECORDER

City Council
Staff Report

PARK CITY 1884

CITY ENGINEER

Author: Eric DeHaan, P.E.
Subject: QUIT-CLAIM DEED
AT 587 DEER VALLEY LOOP RO
Date: November 4, 2004
Type of Item: Administrative

Summary Recommendations:
The City Council should approve the applicant's request that the City quit-claim any interest it holds in the subject property to Montie D. Taylor and Vanessa Wittman attached as Exhibit B.

Description:

Topic:
The property in question is an existing duplex at 587 Deer Valley Loop Road. The City has been asked to relinquish any remaining interest it has in the property arising from an earlier conflicting deed. A letter from Robert C. Dillon representing the unit owners is attached as Exhibit A.

Background:
In 1996 a two-unit condominium project was approved and built at 587 Deer Valley Loop Road. At the time, the title report failed to disclose a previously recorded Quit-Claim Deed from Royal Street Land Company to Park City Municipal Corporation dated September 29, 1983. A portion of the 1996 condominium plat overlapped the 1983 deed.

Analysis:
Deer Valley Loop Road exists as a fairly narrow road, similar to many others in Old Town, in front of the existing condo units at 587 Deer Valley Loop Road. All utilities are in place. The Quit-Claim Deed, which is the subject of tonight's action, leaves the existing road in the City's ownership together with a snow storage easement up to the front porch of the existing condominiums. The deed eliminates any City claim to that portion of the 1983 deed which overlaps the condominium units or their front entryway. City staff has no record of paying Royal Street for the 1983 deed so compensation to the City has not been raised as an issue.

Department Review:
The item has been received by the Planning Department, the Engineering Department, and the City Attorney's office. There remains no unresolved staff concerns with the proposed action.

Alternatives:

E. Approve the Request:
This action will clear up a title problem to the two condominium units which is apparently delaying the closing of the sale for one of the units.

B. Deny the Request:
This action would leave a cloud on the title to the two condominium units and possibly reduce their value.

C. Continue the Item:
If the council needs more information to reach a decision, the item could be continued with direction to staff as to additional desired information.

Significant Impacts:
Since the condo units are built and legally occupied, there will be very little impact from the decision. The value of the units may be adversely affected if their title remains clouded by the overlap from the 1983 deed. Property tax revenues are based on valuation.

Consequences of not taking the recommended action:
A title issue will remain on the duplex at 587 Deer Valley Loop Road if the Quit-Claim deed is not recorded.

Recommendation:
The City Council should approve the recordation of the Quit-Claim Deed to Montie D. Taylor and Vanessa Ames Wittman attached as Exhibit B.

EXHIBIT A

LAW OFFICES OF
DILLON & SMITH
1500 KEARNS BOULEVARD
SUITE E 302
PARK CITY, UTAH 84060
(435) 645-0648

ROBERT C. DILLON
CATHY L. SMITH

FACSIMILE
(435) 645-0693

September 20, 2004

VIA HAND DELIVERY
Mr. Eric DeHaan
City Engineer
Park City Municipal Corporation
Marsac Building
Park City, Utah 84060

Re: The 587 Deer Valley Loop Condominiums; (the "Project")
Mr. Montie D. Taylor

Dear Eric:

Pursuant to your letter dated July 7, 2004, and my subsequent discussions with Tim Twardowski, enclosed is a revised survey dated September 9, 2004 prepared for my client, Montie D. Taylor, by Joseph Dhaenens, Registered Land Surveyor #187821, and a Quit Claim Deed from Park City Municipal Corporation ("PCMC") to the owners of Units A and B in the Project for the survey legal description set forth in the above referenced Survey.

We have revised the legal description to exclude any of the BLM land as requested, and we have also excluded the 10 foot non-exclusive utility and snow storage easement from the conveyance.

Please let me know if you have any questions regarding this matter. Otherwise, we would appreciate your obtaining the execution of the Quit Claim Deed by the appropriate official of PCMC and returning the executed instrument to me for recording. Thank you for your cooperation on this matter.

Sincerely,

Robert C. Dillon

Enclosures

cc: Mr. Montie D. Taylor
Ms. Kathie Johnston

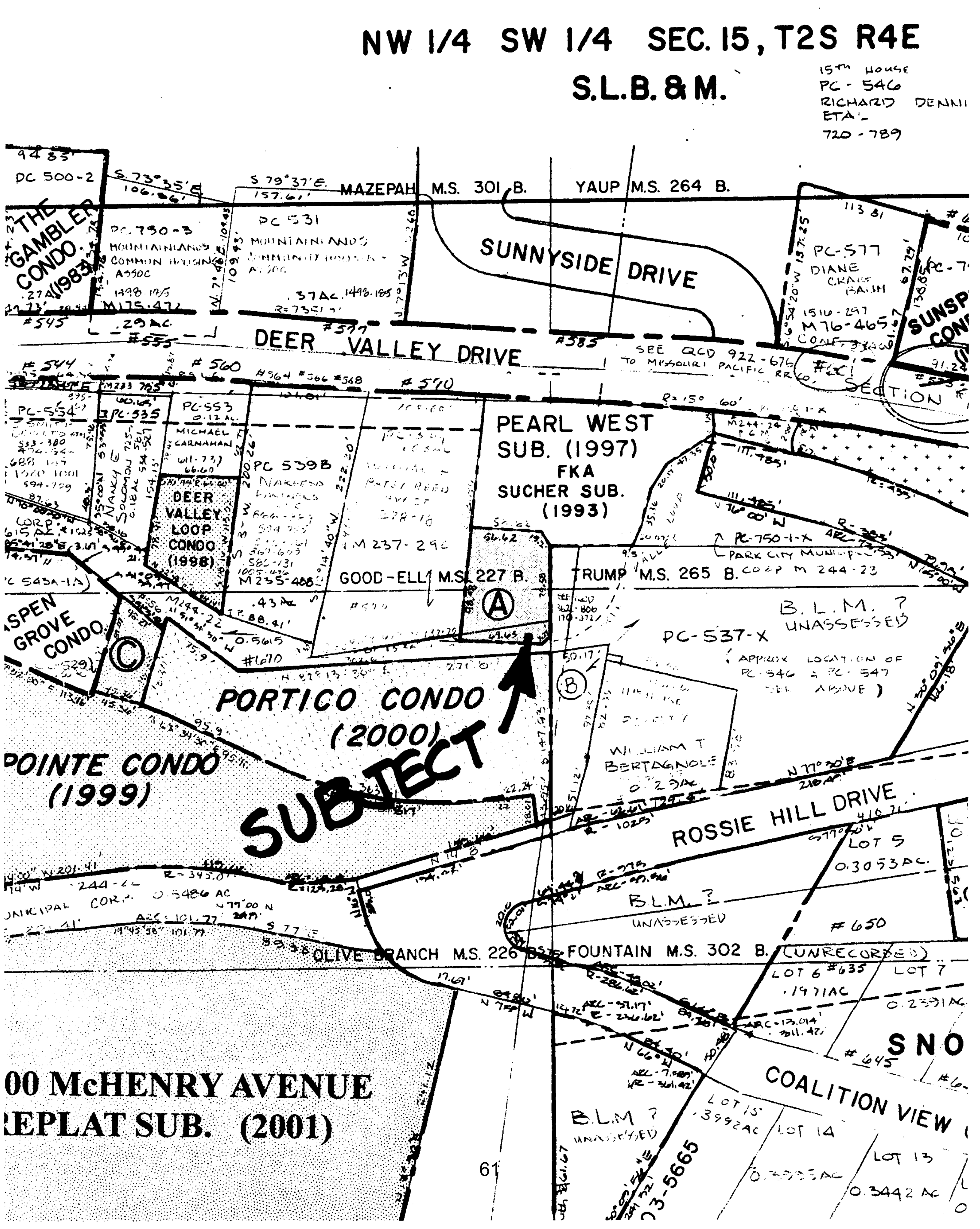
NW 1/4 SW 1/4 SEC. 15, T2S R4E
S.L.B.& M.
15TH HOUSE
PC - 546
RICHARD DENNI
ETAL
720 - 789
MAZEPAH M.S. 301 B.
YAUP M.S. 264 B.
THE GAMBLER CONDO (1983)
PC 500-2
PC-750-3
MOUNTAINLANDS COMMUNITY HOUSING ASSOC
PC 531
SUNNYSIDE DRIVE
PC-577
DIANE CRAIG BAUM
SUNSPOT CONDO
DEER VALLEY DRIVE
SEE QCD 922-676 TO MISSOURI PACIFIC RR CO.
SECTION
PC-554
PC-535
PC-553
MICHAEL CARNAHAN
PC 539B
DEER VALLEY LOOP CONDO (1998)
PEARL WEST SUB. (1997)
FKA
SUCHER SUB.
(1993)
PC-750-1-X
PARK CITY MUNICIPAL CORP M 244-23
GOOD-ELL M.S. 227 B.
TRUMP M.S. 265 B.
A
B
C
ASPEN GROVE CONDO
B.L.M. ?
UNASSESSED
PC-537-X
(APPROX LOCATION OF PC-546 & PC-547 SEE ABOVE)
PORTICO CONDO
(2000)
SUBJECT
WILLIAM T BERTAGNOLE
0.23AC
POINTE CONDO
(1999)
ROSSIE HILL DRIVE
LOT 5
0.3053AC.
B.L.M. ?
UNASSESSED
#650
OLIVE BRANCH M.S. 226 B.
FOUNTAIN M.S. 302 B.
(UNRECORDED)
LOT 6
.1971AC
LOT 7
0.2391AC
SNO
COALITION VIEW
00 McHENRY AVENUE
REPLAT SUB. (2001)
B.L.M ?
UNASSESSED
LOT 15
.3992AC
LOT 14
LOT 13
0.3442 AC

EXHIBIT B

WHEN RECORDED, MAIL TO:
Robert C. Dillon, Esq.
1500 Kearns Blvd., Suite E-302
Park City, Utah 84060

Space Above for Recorder's Use

QUITCLAIM DEED

PARK CITY MUNICIPAL CORPORATION, grantor, hereby

QUIT CLAIMS to

MONTIE D. TAYLOR AND VANESSA AMES WITTMAN, TRUSTEE OF THE WITTMAN FAMILY TRUST U/D/T DATED MAY 13, 1999, grantees,

for the sum of TEN DOLLARS ($10.00) and other good and valuable consideration

the following described tract of land in Summit County, State of Utah, to wit:

BEGINNING at a point which is South 639.34 feet and East 594.69 feet from the East One-Quarter corner of Section 16, Township 2 South, Range 4 East, Salt Lake Baseline and Meridian, Park City, Summit County, Utah; thence South 86°12'18" East 56.62 feet; thence South 25°39'00" East 19.21 feet; thence South 00°00'00" East 76.58 feet to the Northerly edge of pavement of Deer Valley Loop Drive; thence Westerly along the edge of pavement of Deer Valley Loop Drive the following three bearings and distances: South 88°39'52" West 12.79 feet, North 86°26'46" West 51.62 feet, South 87°27'46" West 12.12 feet; thence North 06°56'44" East 95.98 feet to the POINT OF BEGINNING.

LESS AND EXCEPT: a 10 foot non-exclusive public utility and snow storage easement in favor of Park City Municipal Corporation as shown on that certain Map of Survey of The 587 Deer Valley Loop Condominiums recorded as Entry No. 464410 in the Official Records of the Recorder of Summit County, Utah.

WITNESS the hand of said grantor, as of and effective the ___ day of _______, 2004.

PARK CITY MUNICIPAL CORPORATION

By:________________________________
Name:
Title:

STATE OF UTAH }
} ss.
COUNTY OF SUMMIT }

The foregoing instrument was acknowledged before me this day of _______, 2004, by ____________________________, the ________________________ of Park City Municipal Corporation.

____
Notary Public
Residing at:

My Commission Expires:

RESOLUTION PROCLAIMING THE WEEK OF NOVEMBER 6 – 13, 2004 AS PARK CITY EDUCTION WEEK IN PARK CITY, UTAH

WHEREAS, the Park City Education Foundation has been an integral part of Park City since 1986, in the last three years providing over $1 million dollars in financial support and incentives to promote educational opportunities for our youth and educators; and

WHEREAS, the entire community expresses its gratitude to the many residents who have volunteered endless hours and contributed financial support to this worthy non-profit organization over the years and thank them for their many contributions toward the betterment of our future through our children;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the City Council recognize the value our citizenry places on education and hereby declare the week of November 6-13, 2004 as

PARK CITY EDUCATION FOUNDATION WEEK
IN PARK CITY, UTAH

and encourage all citizens to support our Park City schools and to become aware of the role that the Foundation can play to foster excellence for our students and educators.

PASSED AND ADOPTED this 6th day of November, 2003.

City Council
Staff Report

PARK CITY 1884

Planning Department

Author:	**Brooks T. Robinson**
Subject:	**Conservation Easements on Open Space Bond Purchased Lands**
Date:	**November 4, 2004**
Type of Item:	**Conservation Easements**

Summary Recommendations:
Staff recommends that the City Council approve the granting of conservation easements to Summit Land Conservancy in a form approved by the City Attorney on all lands purchased with Open Space Bond funds. Staff has provided an easement for your review.

Background:
On September 30, 2004, the City Council directed staff to prepare third-party conservation easements on all lands purchased with the open space bond proceeds. The Council also directed staff to award a service provider contract in accordance with the procurement policies that have been adopted by City Council to one qualified non-profit (Summit Land Conservancy or Utah Open Lands) to assist with monitoring. Monitoring will include Flagstaff annexation areas as well as bond purchased parcels. Staff has reviewed the proposals of both non-profits and has selected Summit Land Conservancy.

The easements will be substantially the same as the attached Exhibit A and will be on the following parcels:

Richards Ranch (SR 224)
Virginia Mining Claim (Rossi Hill)
Union Pacific (Rail Trail)
Grover (Round Valley)
UP&L (Bottom of Main St)
McMillian (Round Valley)
Bilogio (Round Valley)
Cranbrook (Round Valley)
E. Gillmor (Round Valley)

Department Review:

This matter has been reviewed all applicable City departments.

Recommendation:
Staff recommends that the City Council approve third-party conservation easements on all lands purchased with Open Space Bond funds. Staff has provided an easement for your review.

Exhibits
Exhibit A – Conservation Easement (Richards)

DEED OF CONSERVATION EASEMENT

THIS GRANT DEED OF CONSERVATION EASEMENT is made this _____ day of ________________, 2004, by and between PARK CITY MUNICIPAL CORPORATION, a Utah municipal corporation having an address of 445 Marsac Avenue, Post Office Box 1480, Park City, UT 84060-1480 (“Grantor”), in favor of the SUMMIT LAND CONSERVANCY, a Utah non-profit corporation having an address of Post Office Box 1775, Park City, UT 84060 (“Grantee”).

WITNESSETH:

WHEREAS, Grantor is the sole owner in fee simple of approximately 20 acres of real property located west of SR 224 in Park City, Summit County, Utah, described more particularly at Exhibit A, attached hereto and incorporated herein by reference (the “Property”); and

WHEREAS, the Property possesses natural, scenic, recreational, and visual open space values (collectively, “Conservation Values”) of great importance to Grantee, the people of Park City, and the people of the State of Utah which are worthy of protection; and

WHEREAS, the Property is prominently visible from one of Park City’s two entry corridors, namely SR 224; and

WHEREAS, the Property’s proximity to Aspen Springs, the McPolin Farm, Willow Ranch, and the Huntsman Gateway open spaces is significant as it is part of a continuous corridor of open space on the sensitive SR 224 entry corridor; and

WHEREAS, at a November 3, 1998 special bond election, Park City voters authorized the issuance of general obligation bonds in an amount of ten million dollars for the express purpose of acquiring and forever preserving undeveloped park and recreational land; and

WHEREAS, the Property was purchased by Grantor using proceeds of the November 3, 1998 special bond election; and

WHEREAS, Grantor intends that the conservation values of the Property be preserved and maintained by the continuation of land use patterns, including, without limitation, those relating to visual open space existing at the time of this grant, that do not significantly impair or interfere with those values; and

WHEREAS, Grantor further intends as owner of the Property, to convey to Grantee the right to preserve and protect the conservation values of the Property in perpetuity; and

WHEREAS, Grantee is a publicly supported, tax-exempt charitable organization qualified under Sections 170(h) and 501(c)(3) of the Internal Revenue Code, whose primary purpose is the preservation, protection, or enhancement of land in its natural, scenic, historical, agricultural, forested, and/or open space condition; and

WHEREAS, Grantee agrees by accepting this grant to honor the intentions of Grantor stated herein and to preserve and protect in perpetuity the conservation values of the Property for the benefit of this generation and the generations to come;

NOW, THEREFORE, in consideration of the above and the mutual covenants, terms, conditions, and restrictions contained herein, which the Parties agree constitute adequate consideration for this agreement, and pursuant to the laws of the State of Utah and in particular Utah Code Annotated, Title 57, Chapter 18, Grantor hereby voluntarily grants and conveys to Grantee a conservation easement in perpetuity over the Property of the nature and character and to the extent hereinafter set forth ("Easement").

1. **Purpose**. It is the purpose of this Easement to assure that the Property will be maintained forever (predominately) in open and recreational use, protecting in perpetuity its scenic, open and undisturbed character and recreational value, and preventing any use of the Property that may significantly impair or interfere with the conservation values of the Property. Grantor intends that this Easement will confine the use of the Property to those activities that are consistent with the purpose of this Easement.

1.1 **Baseline Documentation**. To establish the present condition of the Property's agricultural, natural, scenic, recreational and/or other conservation resources and the Property's manmade features, so as to make possible the proper monitoring of future uses of the Property and to ensure compliance with the terms of this Easement, the Parties may prepare an inventory of the Property's relevant resources, features and conditions.

2. **Rights of Grantee**. To accomplish the purpose of this Easement the following rights are conveyed to Grantee by this Easement:

a. To preserve and protect the conservation values of the Property;

b. To enter upon the Property at reasonable times in order to monitor Grantor's compliance with and otherwise enforce the terms of this Easement; provided that such entry shall be upon prior reasonable notice to Grantor, and Grantee shall not unreasonably interfere with Grantor's use and quiet enjoyment of the Property;

c. To enter upon the Property in the case of an emergency as determined by Grantee, in which event Grantee shall notify Grantor prior to entering onto the Property, if possible, or as soon thereafter as is reasonably practical;

d. To prevent any activity on or use of the Property that is inconsistent with the purpose of this Easement and to require the restoration of such areas or features of the Property that may be damaged by inconsistent activity or use, pursuant to Paragraph 6 herein; and

e. To enforce this Easement by appropriate legal proceedings, after providing Grantor with reasonable notice and reasonable opportunity to cure.

3. **Prohibited Uses**. Any activity on or use of the Property inconsistent with the purpose of this Easement is prohibited. Without limiting the generality of the foregoing, the following activities and uses are prohibited in perpetuity on the Property:

a. Construction of buildings, residences, mobile homes, or other structures, or any other permanent improvements for use for human habitation, constructed or placed in, on, under, or upon the Property; and

b. Any unanticipated use or activity on or at the Property which would significantly impair the conservation values of the Property, unless such us or activity is necessary for the protection of the conservation values that are the subject of this Easement, in which case such use or activity shall be subject to the prior approval of Grantee, which approval shall not be unreasonably withheld.

4. **Reserved Rights**. Grantor reserves to itself, and to its personal representatives, heirs, successors, and assigns, all rights accruing from their ownership of the Property, including the right to engage in or permit or invite others to engage in all uses of the Property that are not expressly prohibited herein and are not inconsistent with the purpose of this Easement. Without limiting the generality of the foregoing, Grantor expressly reserves the right to:

a. Use the Property as undeveloped park and recreational land; and

b. Construct related amenities.

5. **Continuous Conservation Reserve Program (CCRP)**. Part of the property is presently encumbered by a CCRP contract; dated June 1, 2003. The CCRP is a 15- year USDA - Farm Service Agency contractual agreement for the stream corridor that is enrolled is 180’ from the stream embankment and the designated land classification is riparian buffer zone. The parties expressly agree that requirements of the CCRP contract are permitted during the CCRP's effective period. Both parties recognize the contract and will honor its terms for its effective period.

6. **Notice of Intent to Undertake Certain Permitted Actions**. The purpose of requiring Grantor to notify Grantee prior to undertaking certain permitted activities, as provided in Paragraph 4, is to afford Grantee an opportunity to ensure that the activities in question are designed and carried out in a manner consistent with the purpose of this Easement. Whenever notice is required, Grantor shall notify Grantee in writing not less than sixty (60) days prior to the date Grantor intends to undertake the activity in question. The notice shall describe the nature, scope, design, location, timetable, and any other material aspect of the proposed activity in sufficient detail to permit Grantee to make an informed judgment as to its consistency with the purpose of this Easement.

6.1 **Grantee's Approval**. Where Grantee's approval is required, as set forth in Paragraph 5, Grantee shall grant or withhold its approval in writing within sixty (60) days of receipt of Grantor's written request therefore. Grantee's approval may be withheld only upon a reasonable determination by Grantee that the action as proposed would be inconsistent with the purpose of this Easement.

7. **Grantee's Remedies**. If Grantee determines that Grantor is in violation of the terms of this Easement or that a violation is threatened, Grantee shall give written notice to Grantor of such violation and demand corrective action sufficient to cure the violation and, where the violation involves injury to the Property resulting from any use or activity inconsistent with the purpose of this Easement, to restore the portion of the Property so injured. Grantee and Grantor agree to mediate any dispute in a timely manner if the issue of a violation is disputed. If mediation is unsuccessful and Grantor fails to cure the violation within thirty (30) days after receipt of notice thereof from Grantee, or under circumstances where the violation cannot reasonably be cured within a thirty (30) day period, fail to begin curing such violation within the thirty (30) day period, or fail to continue diligently to cure such violation until finally cured, Grantee may bring an action at law or in equity in a court of competent jurisdiction to enforce the terms of this Easement, to enjoin the violation, *ex parte* as necessary, by temporary or permanent injunction, to recover any damages to which it may be entitled for violation of the terms of this Easement or injury to any conservation values protected by this Easement, including damages for the loss of scenic, aesthetic, or environmental values, and to require the restoration of the Property to the condition that existed prior to any such injury. Without limiting Grantor's liability therefore, Grantee, in its sole discretion, may apply any damages recovered to the cost of undertaking any corrective action on the Property. If Grantee, in its sole discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to the conservation values of the Property, Grantee may pursue its remedies under this Paragraph without prior notice to Grantor or without waiting for the period provided for cure to expire. Grantee's rights under this Paragraph apply equally in the event of either actual or threatened violations of the terms of this Easement, and Grantor agrees that Grantee's remedies at law for any violation of the terms of this Easement are inadequate and that Grantee shall be entitled to the injunctive relief described in this Paragraph, both prohibitive and mandatory, in addition to such other relief to which Grantee may be entitled, including specific performance of the terms of this Easement, without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies. Grantee's remedies described in this Paragraph shall be cumulative and shall be in addition to all remedies not or hereafter existing at law or in equity. If Grantor prevails in any action to enforce the terms of this Easement, Grantor's costs of suit, including, without limitation, attorneys' fees, shall be borne by Grantee. If Grantee prevails in any action to enforce the terms of this Easement, Grantee's costs of suit, including, without limitation, attorneys' fees, shall be borne by Grantor.

7.1 **<u>Grantee's Discretion</u>**. Enforcement of the terms of this Easement shall be at the discretion of Grantee, and any forbearance by Grantee to exercise its rights under this Easement in the event of any breach of any term of this Easement by Grantor shall not be deemed or construed to be a waiver by Grantee of such term or of any subsequent breach of the same or any other term of this Easement or of any right or remedy upon an breach by Grantor shall impair such right or remedy or be construed as a waiver.

7.2 **<u>Acts Beyond Grantor's Control</u>**. Nothing contained in this Easement shall be construed to entitle Grantee to bring any action against Grantor for any injury to or change in the Property resulting from causes beyond Grantor's control, including, without limitation, fire, flood, storm, and earth movement, or from any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Property resulting from such causes.

8. **<u>Access</u>**. No right of access by the general public to any portion of the Property is conveyed by this Easement.

9. **<u>Costs and Liabilities</u>**. Grantor retains all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep, and maintenance of the Property, including the maintenance of adequate comprehensive general liability insurance coverage. Grantor shall keep the Property free of any liens arising out of any work performed for, materials furnished to, or obligations incurred by Grantor.

9.1 **<u>Taxes</u>**. Grantor shall pay before delinquency all taxes, assessments, fees, and charges of whatever description levied on or assessed against the Property by competent authority (collectively "taxes"), including any taxes imposed upon, or incurred as a result of, this Easement, and shall furnish Grantee with satisfactory evidence of payment upon request. Grantee is authorized but in no event obligated to make or advance any payment of taxes, upon ten (10) days prior written notice to Grantor, in accordance with any bill, statement, or estimate procured from the appropriate authority, without inquiry into the validity of the taxes or the accuracy of the bill, statement, or estimate procured from the appropriate authority, without inquiry into the validity of the taxes or the accuracy of the bill, statement, or estimate, and the obligation created by such payment shall bear interest until paid by Grantor at the lesser of two (2) percentage points over the prime rate of interest from time to time charged by Zion's Bank or the maximum rate allowed by law.

9.2 **<u>Hold Harmless</u>**. Grantor shall hold harmless, indemnify, and defend Grantee and its members, directors, officers, employees, agents, and contractors (collectively “Indemnified Parties”) from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands or judgments, including, without limitation, reasonable attorneys’ fees arising from or in any connection with: (1) injury to or the death of any person, or physical damage to any property, resulting from any act, omission, condition, or other matter related to or occurring on or about the Property, unless due solely to the negligence of any of the Indemnified Parties; (2) the obligations specified in Paragraphs 8 and 8.1; and (3) the existence or administration of this Easement.

10. **Extinguishment**. Grantee shall not voluntarily or willingly allow the extinguishment of any of the restrictions of this Easement, and if any or all of the restrictions of this Easement are nevertheless extinguished by a judicial or other governmental proceeding, any and all compensation received by Grantee as a result of the extinguishment shall be used by Grantee in a manner consistent with the conservation purposes of this Easement.

10.1 **Condemnation**. If the Easement is taken, in whole or in part, by exercise of the power of eminent domain, Grantee shall be entitled to compensation in accordance with applicable law.

10.2 **Amendment**. This Easement, including the prohibited uses and reserved rights, may be modified only by mutual written agreement of Grantor and Grantee. No amendment shall be made that will adversely affect the status of this Easement as a qualified conservation easement pursuant to Title 57, Chapter 18 of the Utah Code, nor Grantee’s status as a publicly supported, tax-exempt charitable organization qualified under Sections 170(h) and 501(c)(3) of the Internal Revenue Code and applicable laws of the state of Utah. Any such amendment shall be consistent with the stated purposes of this Easement, shall not affect its perpetual duration, and shall not permit any impairment of the significant conservation values of the Property. Any such amendment shall be filed in the office of the Summit County Recorder.

11. **Transfer of Easement**. If Grantee determines that it no longer is able to perform its obligations or enforce its rights under this Easement, or that it no longer desires to enforce said rights, or if Grantee ceases to exist, or is otherwise prevented from enforcing its rights under this Easement, or if Grantee no longer qualifies as a qualified organization under Section 170(h) of the Internal Revenue Code of 1954, as amended (or any successor provision then applicable), Grantee may convey its rights and obligations under this Easement only to an organization that is a qualified organization at the time of transfer under Section 170(h) of the Internal Revenue Code of 1954, as amended (or any successor provision then applicable), and the applicable regulations promulgated thereunder, and authorized to acquire and hold conservation easements under State statute. Grantee shall require that the conservation purposes that this grant is intended to advance continue to be carried out. Grantee is hereby expressly prohibited from subsequently transferring the Easement, under any circumstances and whether or not for consideration, unless:

(a) Grantee, as a condition precedent of the transfer, requires that the conservation purposes which this Easement is intended to advance continue to be carried out;

(b) The transferee is an organization qualifying at the time of transfer as an eligible done under Paragraph 170(h) of the Internal Revenue Code of 1954, as amended (or any successor provision then applicable) and regulations promulgated thereunder; and

(c) Grantor and/or its successor in interest, at its sole discretion, either selected the transferee or consents in writing to the transfer.

12. **Grantor Transfer of Interest**. Grantor agrees to incorporate the terms of this Easement in any deed or other legal instrument by which he divests himself of any interest in all or a portion of the Property, including, without limitation, a leasehold interest. Grantor further agrees to give written notice to Grantee of the transfer of any interest at least twenty (20) days prior to the date of such transfer. The failure of Grantor to perform any act required by this Paragraph shall not impair the validity of this Easement or limit its enforceability in any way.

13. **Estoppel Certificates**. Upon request by Grantor, Grantee shall within twenty (20) days execute and deliver to Grantor any document, including an estoppel certificate, which certifies Grantor's compliance with any obligation of Grantor contained in this Easement and otherwise evidences the status of this Easement as may be requested by Grantor.

14. **Notices**. Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage prepaid, addressed as follows (or to such other address as either party from time to time shall designate by written notice to the other):

To Grantee: **SUMMIT LAND CONSERVANCY**
Attn: Executive Director
Post Office Box 1775
Park City, UT 84060

To Grantor: **PARK CITY MUNICIPAL CORPORATION**
Attn: City Recorder
445 Marsac Avenue
Post Office Box 1480
Park City UT 84060-1480

15. **Recordation**. Grantee shall record this instrument in timely fashion in the official records of Summit County, Utah, and may re-record it at any time as may be required to preserve its rights in this Easement.

16. **General Provisions**.

(a) Controlling Law. The laws of the state of Utah shall govern the interpretation and performance of this Easement.

(b) Liberal Construction. Any general rule of construction to the contrary notwithstanding this Easement shall be liberally construed in favor of the grant to effect the purpose of this Easement and the policy and purposes of Utah statute. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the purpose of this Easement that would render the provision valid shall be favored over any interpretation that would render it invalid.

(c) Severability. If any provision of this Easement, or the application thereof to any person or circumstance, is found to be invalid, the remainder of the provisions of this Easement, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.

(d) Entire Agreement. This instrument sets forth the entire agreement of the parties with respect to the Easement and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Easement, all of which are merged herein.

(e) No Forfeiture. Nothing contained herein will result in the forfeiture or reversion of Grantor's title in any respect.

(f) Joint Obligation. If more than one person or entity is the successor or assign of Grantor, the obligations imposed by this Easement upon Grantor shall be jointly and severally binding on each such person or entity.

(g) Successors. The covenants, terms, conditions, and restrictions of this Easement shall be binding upon, and inure to the benefit of, the parties hereto and their respective personal representatives, heirs, successors, and assigns and shall continue as a servitude running in perpetuity with the Property.

(h) Termination of Rights and Obligations. A party's rights and obligations under this Easement terminate upon transfer of the party's interest in the Easement or Property, except that ability for acts or omissions occurring prior to transfer shall survive transfer.

(i) Captions. The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction of interpretation.

(j) Counterparts. The parties may execute this instrument in two or more counterparts, which shall, in the aggregate, be signed by both parties; each counterpart shall be deemed an original instrument as against any party who has signed it. In the event of any disparity between the counterparts produced, the recorded counterpart shall be controlling.

TO HAVE AND TO HOLD unto Grantee, its successors, and assigns forever.

IN WITNESS WHEREOF Grantor and Grantee have set their hands on the day and year first above written.

EXHIBIT A

Beginning at a point West 2403.70 feet, and North 655.95 feet from the Southeast Corner of Section 5, Township 2 South, Range 4 East, Salt Lake Base and Meridian: running thence East 187.26 feet; Thence South 577.14 feet to the North ling of Thaynes Creek Ranch Subdivision as Recorded; Thence Ease along said North line 831.89 feet to the West line of State Highway U-244; Thence North 21 deg. 12' West along said West line 1351.47 feet; Thence West 539.30 feet; Thence South 0_ 44'37" East 682.93 feet to the point of beginning; containing 871,200 square feet or 20.000 acres, more or less;

Excepting all area within 180 feet of the stream embankment covered in the CCRP Agreement.

Subject to all matters of record.