



**PARK CITY COUNCIL MEETING AMENDED
SUMMIT COUNTY, UTAH,
October 30, 2014**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, October 30, 2014.

Closed Session

3:30pm to discuss Property, Personnel and Litigation

**PARK CITY COUNCIL REDEVELOPMENT AGENCY
SUMMIT COUNTY, UTAH
October 30, 2014**

4:55 pm Lower Park Avenue Redevelopment Program Update

PG 4

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH,
October 30, 2014**

Work Session

5:45 pm Council Questions and Comments and Manager's Report

PG 11

5:55 pm Break

Regular Meeting

6:00 pm

- I. **ROLL CALL**
- II. **COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF**
- III. **PUBLIC INPUT (*Any matter of City business not scheduled on the agenda*)**
- IV. **CONSIDERATION OF MINUTES FROM OCTOBER 2 AND OCTOBER 9, 2014
COUNCIL MEETINGS** PG 33
- V. **CONSENT AGENDA (*Items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply a predisposition for approval and may be removed by motion and discussed and acted upon*)**

1. Consideration of the Contract with Ward Engineering for Design of McHenry Avenue
PG 48
2. Consideration of an Amendment to the Professional Services Agreement with Zion's
Bank Public Finance for Water financial modeling services PG 57
3. Consideration of Amendment No. 2 Ward Engineering for Deer Valley Drive Phase 2
PG 62
4. Consideration a Water Agreement by and between Park City and Ivory Homes, in a form
approved by the City Attorney. PG 68

VI. NEW BUSINESS

1. Consideration of a Resolution proclaiming November 1, 2014 as "Extra Mile Day" in Park
City, Utah PG 83
2. Consideration of the Round Valley Park City Annexation –Annexation of 1,368 acres
located in Sections 28, 33, 34 and 35 T1SR4E and Sections 2 and 3, T2SR4EEast of
US 40 and North of SR 248. Park City Municipal is the applicant. The requested zoning
is Recreation Open Space (1,262 acres) and LI, Limited Industrial (2 acres). The
property is primarily City owned open space encumbered with conservation easements,
with the exception of two 1 acre City owned, non-encumbered parcels, and includes the
120 acres Osguthorpe conservation easement area: PG 86
 - (a) Public Hearing
 - (b) Action
3. Consideration of the An Ordinance Amending Title 4, Chapter 8 Of the Municipal Code
Of Park City, Utah To Include Events In Parking Structures. PG 183
 - (a) Public Hearing
 - (b) Action
4. Consideration of the Park Silly Sunday Market contract extension PG 190
5. Consideration of the Subdivision Plat Thayne's Creek Ranch Estates Phase II located at
510 Payday Drive, Park City, Utah, pursuant to findings of fact, conclusions of law and
conditions of approval in a form approved by the City Attorney.
 - (a) Public Hearing
 - (b) MOTION TO CONTINUE TO NOVEMBER 20, 2014
6. Consideration of an Ordinance approving a second one year extension of the August 9,
2012 approval of the Ontario Mine Bench Subdivision located at 7700 Marsac Avenue in
Park City, Utah, pursuant to findings of fact, conclusions of law and conditions of
approval in a form approved by the City Attorney PG 196
 - (a) Public Hearing
 - (b) Action
7. Consideration of an Ordinance approving a second one year extension of the August 9,
2012 approval of the Ontario Mine Bench Condominiums located at 7700 Marsac Avenue
in Park City, Utah, pursuant to findings of fact, conclusions of law and conditions of
approval in a form approved by the City Attorney PG 223
 - (a) Public Hearing

(b) Action

VII. ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4 p.m. to 9 p.m. Posted: 10/27/2014 See: www.parkcity.org



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
October 31, 2014**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold a Joint Session with the Summit County Council on Friday, October 31, 2014 at 10:00am. This meeting will be held in the Park City Council Chambers located at 445 Marsac Avenue, Park City, Utah. and;

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah does **not** have a regularly scheduled meeting on Thursday, November 6, 2014.

POSTED: 10/27/14

See Website: www.parkcity.org

**REDEVELOPMENT AUTHORITY
STAFF REPORT**



SUBJECT: Lower Park Avenue Redevelopment Program Update
AUTHOR: Phyllis Robinson & Jonathan Weidenhamer
DEPARTMENT: Sustainability
DATE: October 30, 2014
TYPE OF ITEM: Direction - Lower Park Avenue Next Steps

Recommendation:

Staff is requesting City Council discussion and direction to move forward with the community engagement and infill design process for city-owned property in the Lower Park Avenue Redevelopment District.

Background:

City Council affirmed their goals for the Lower Park Avenue District and agreed to next steps during the May 15, 2014 City Council meeting (Exhibit B). Council direction was to proceed with a community engagement process that included all RDA/Municipal-owned land.

On August 5, 2014 staff presented during the mid-year Council retreat that it would be moving forward with a design competition this fall that included the community engagement process, development of alternative proposals for public consideration and ultimately the procurement of a preferred design team to proceed with development. The initial timeline for this overall process has slipped a bit from January/February 2015 to March/April 2015 owing largely to the unexpected complexity of program design as well as the short-term uncertainty of the resort situation.

Analysis:

Staff will initiate the community outreach efforts to gather ideas of what we need/want in Park City generally and more specifically ideas for use of city-owned land in Lower Park Avenue (Exhibit A). We are assembling the administrative tools currently for this process. The goal of the engagement process is to create meaningful opportunities for residents to describe goals for the area within the context of the surrounding community, community values as articulated through the 2009 Community Visioning Process and the purpose of the RDA. The input gathered through the community process, together with the prior public record of plans, Council meetings and joint meetings on redevelopment and the General Plan will be included as part of the background material for the selected firms. This process is anticipated to conclude at

the end of November 2014. It will be followed immediately by a Request for Qualifications (RFQ) for planning and design services for city-owned land the first week in December.

We anticipate procurement of two to four firms/teams. The short-listed firms will be selected before the end of the year and asked to provide a set of development options that contemplate residential, mixed-use and civic/cultural uses for the city-owned land identified in Exhibit A. We are still working through the full scope of the RFQ criteria and design parameters, and anticipate asking for options that conform to the existing Land Management Code (LMC) as well as options that include limited departure from the current LMC. The submittal requirements of the short-listed firms including the range of development scenarios we are requesting and the public presentation process prior to selection is significantly beyond the standard submittal process where we would select a firm based on its portfolio of similar projects and its understanding of the design challenge for this site. In the case of LPA we have not predetermined the land use for the site and are asking the short-listed firms to provide multiple redevelopment scenarios. Recognizing the time, materials and expenses involved in creating these options in a short time frame, a stipend of \$10,000 to cover partial costs of submittal will be provided to each of the short-listed firms. The City will retain the right to each of the submittals in exchange for the stipend. This format and compensation structure is similar to a design competition. It is the city's intent to recommend to Council the award a Contract for Architectural Services at the completion of the design submittals, depending on performance and multiple other criteria to be identified in the RFQ being satisfied.

Staff will re-engage the community in late February/early March 2015 to seek input on the proposed infill development plans. This input will be provided to a community selection committee who will make its recommendation to City Council in March 2015 on the preferred development scenario. Following the award of a design contract with the option to extend it through construction by City Council, the Economic Development Manager will begin the entitlement process for the proposed use(s).

Issues for Discussion

This is a high level summary of approach and an ambitious, but manageable timeline. Before we proceed with and RFQ process staff wants to confirm the process, timeline and land to be considered.

1. One key element in the redevelopment of Lower Park Avenue is a transit and parking project at Park City Mountain Resort. It also provides the potential for off-site parking for residential solutions on city-owned land on Empire Avenue and

Woodside Avenue. The parking structure and transit hub are part of a non-binding agreement with Park City Mountain Resort. Given the recent changes in ownership and uncertainty in the development plans for the base at Park City Mountain Resort, is Council ready to move ahead with a planning and development process for City land that would require the expenditure of city funds? Alternatively, staff could continue to move forward with the community engagement and design process as currently scheduled for Fall 2014/Winter 2015 and return to Council at such time as we have more complete information on base development and timing and the city's transportation goals and plans for this area.

It is important to note that staff will not be able to begin construction in April 2016 should the aforementioned process be delayed. If Council does not want to proceed with the community engagement process at this time, staff requests that Council provide specific direction on either:

- a. The timeline for when staff should begin the community outreach; or
 - b. When staff should return to Council to discuss initiating the community outreach.
2. Staff also wishes to affirm project timing given other significant public events including the Mountain Accord public process and a re-engaged Bonanza Park community outreach process. Each of these efforts is seeking broad and meaningful community participation and requires a high level of staff coordination. Staff is concerned about a level of 'community burnout' that could adversely affect all processes. Being cognizant of the schedule and the goal to be under development by April 2016 we have engaged Kim Clark, V-I-A Consulting to provide additional assistance specifically with the Lower Park Avenue engagement. We have also engaged a market study consultant for senior housing needs and a structural engineer to evaluate the current city-owned properties for adaptation, re-use or expansion. We are seeking Council discussion about the timing of launching this initiative as it relates to other projects.
3. Prior discussions for the land to be included in the design contract did not include 1450/1460. As we prepare to move forward with defining parameters for the design competition, staff recommends we include that land in this process. Does Council concur?

Summary of Issues for Discussion

1. Is Council ready to move ahead with a planning and development process for City land without certainty on the adjacent resort center parking lots?
2. Is the City Council supportive of beginning a third major community engagement process at this time?
3. Does City Council support including 1450/60 Park Avenue in this process?

Department Review: Sustainability, Planning, Budget and Legal Departments and City Manager.

Significant Impacts:

Which Desired Outcomes might the Recommended Action Impact?	+ Balance between tourism and local quality of life + Safe community that is walkable and bike-able + Multi-seasonal destination for recreational opportunities + Accessible and world-class recreational facilities, parks and programs + Accessibility during peak seasonal times + Well-utilized regional public transit + Safe community that is walkable and bike-able	+ Reduced municipal, business and community carbon footprints	+ Residents live and work locally + Preserved and celebrated history; protected National Historic District + Physically and socially connected neighborhoods + Cluster development while preserving open space	+ Fiscally and legally sound + Engaged, capable workforce + Well-maintained assets and infrastructure
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Very Positive 	Positive 	 Very Positive 	Positive 
Comments: The RDA is a tool that can be used to create affordable housing and spur new growth. development of the land into workforce housing, adaptive reuse of existing facilities and connecting City Park to the resort, along with the redevelopment of the resort parking lots will allow the City to promote and enhance most of its core goals as we find the balance of community housing and other neighborhood goals with facilitating new growth and redevelopment. Different development and financial options will be created for consideration.				

Funding Source:

Lower Park Avenue Redevelopment Authority

Consequence of not proceeding with project at this time:

Redevelopment Authorities are established to create new growth (incremental property tax revenue.) Staff's process outlined in this report is intended to implement a balanced plan of community and resort-based redevelopment to accomplish this goal. The sooner new growth is created the more tax increment will go back into the district. Should Council wish to defer moving forward at this time staff will be unable to meet the April 2016 construction timetable.

Summary Recommendation

Staff is requesting Council discussion and direction to move forward with the community engagement and infill design process for city-owned property in the Lower Park Avenue Redevelopment District.

Exhibits:

A Maps of City-owned land in LPA

B May 2014 staff report and exhibits

(<http://www.parkcity.org/Modules/ShowDocument.aspx?documentid=12772>)



Exhibit A - City Owned Property



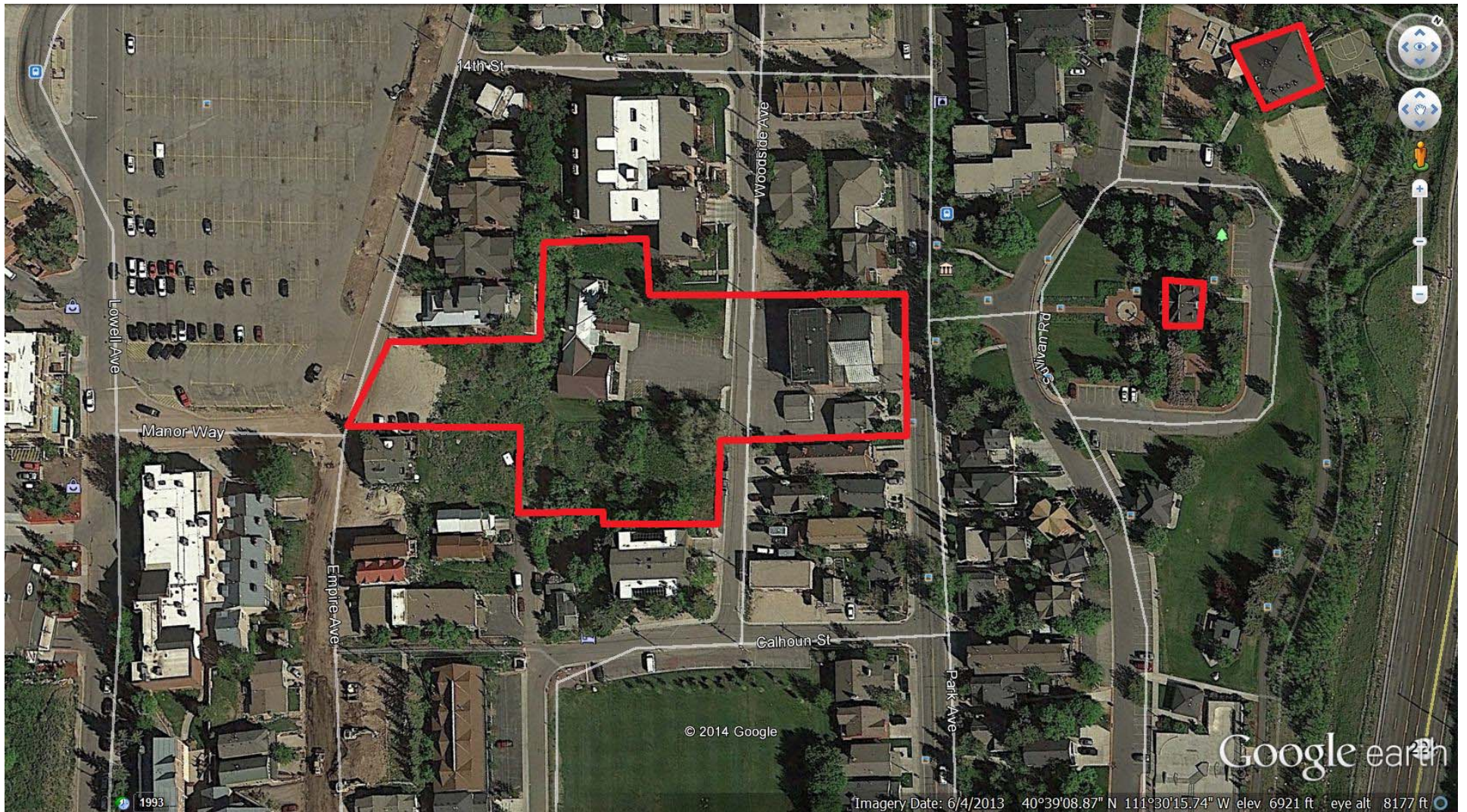


Exhibit A - Fire Station Properties, Existing Conditions



MANAGER'S REPORT – October 30, 2014

Submitted by: Kory Kersavage, Budget, Debt & Grants Department
Subject: Performance Management Manager's Report

This Manager's Report addresses the performance management award recently received by Park City Municipal Corporation, the plan to improve the city's performance management in the coming year, and the Citizens' Budget recently put on the city's website.

Performance Management Award: The Performance Management Certificate of Achievement was presented to Park City for the following reasons: the city has collected performance data in at least 6 service areas, for 10 years or more; the city is involved in the National Citizen's Survey; the city does an Internal Service Survey to evaluate internal services; meeting with staff to improve performance measurement and provide them with training materials; and efforts have been undertaken to improve data collection and analysis efforts.

The Certificate of Achievement is the lowest of the Performance Management awards behind the Certificate of Distinction and the Certificate of Excellence. In order to achieve higher certificates of achievement in Performance Management the City would need to have more historical performance measure data as well as graphics and charts, a closer tie to employee evaluations, and more benchmarks with other communities.

Performance Management Improvement Plan: In addition, over the course of the next six months leading up to the budget process, performance measures will be reviewed and evaluated in order to establish more useful measures, where data collection should not be a problem. Performance measures should be evaluated continually in order to make sure that they are focused on the Desired Outcomes approved by Council as well as departmental goals and initiatives that each department wants to achieve. In order to achieve this, each department will set up a logic model which defines their inputs, activities, outputs and outcomes. This logic model will then be used to develop more effective performance measures by focusing on the outcomes. A plan will also be established, with people responsible, for collecting the performance data and reporting it.

Citizens' Budget Online: The Citizens' Budget, which provides residents and other interested parties with a simple, concise, and understandable overview of Park City's budget, and an overview of some of the services that the city provides, has recently been completed. The document addresses two questions: (1.) "How is the City funded?" (2.) "How are those funds spent?" It is now online, and can be viewed at:

<http://www.parkcity.org/Modules/ShowDocument.aspx?documentid=265>



MANAGER'S REPORT – October 30, 2014

Submitted by: Brooks T. Robinson, Senior Transportation Planner
Subject: Sundance and Peak Ski Day Transportation Planning

For the past several years, the Transportation Planning team has hosted meetings of City departments and other stakeholders involved in transportation planning for the Sundance Film Festival and for peak ski days. As these two meetings have a number of the same personnel (City, UDOT, law enforcement) attending, the meetings are back-to-back. This year the meetings were held on October 9th.

The Sundance meeting included City staff from Special Events, Police, Transit, Streets, and Transportation Planning as well as Summit County Engineering, Summit County Sheriff, UHP, Sundance Institute, and UDOT Region 2. The topics covered were:

1. Main Street
 - No Parking both sides starting Tuesday (west) and Thu (east). Limited time drop offs,
 - At Licensing encourage taxis to pull out of travel lane.
 - Adjacent construction should be complete, freeing up sidewalks.
2. China Bridge
 - Paid Parking starting Thursday.
 - ADA pays in China Bridge, free in Swede lots.
3. Park Avenue
 - No Parking west side 9th to 15th
 - Heber to 9th 15 min drop and load, east side No Parking
 - Need to core drill Stop sign at Park and 9th instead of movable bucket.
4. City Park/Santy
 - Library use of parking around Miner's Hospital. Need to identify number of spaces with Library staff.
 - Santy: No patron parking, but pre-school teachers need spaces.
5. Transit
 - Fully utilizing fleet and drivers with Sundance supplemental buses from Lewis Bothers
6. SR 224 Shoulder operation
 - UDOT installation of Bus on Shoulder signs. Request UDOT install by mid-December. Will be left up year-round.

- Fully utilizing fleet and drivers with Sundance supplemental buses from Lewis Bothers
- 6. SR 224 Shoulder operation
 - UDOT installation of Bus on Shoulder signs. Request UDOT install by mid-December. Will be left up year-round.
 - City training of drivers (Lewis drivers as well) on protocol for use
- 7. Fresh Market Ped Xing
 - Install “Push Button, Wait to Cross” signs and barricades by Streets.
 - Recommend same protocol for PCHS crossing. Streets to order signs.
- 8. Traffic Signals (Traffic Ops Center 801-887-3700)
 - On SCAT system. DVD, Park Ave. (both directions), and Empire Ave. all full with equal priority. UDOT also monitors cameras.
- 9. LDS Church on Monitor Drive
 - PCHS students will utilize lot. Sundance to encourage taxis to stage there for PCMARC and Eccles. Restricted on Sunday for church use.

The Peak Ski Day discussion followed with representatives from Deer Valley and Park City Mountain Resort. Topics covered were:

1. Peak Days
 - Xmas and New Year's on Thursdays this year
 - i. Friday December 26 – Saturday January 3.
 - Presidents Day (Mon 2/16) weekend
 - i. Saturday February 14 – Tuesday February 17
 - Saturdays : March
 - i. March 7, 14, 21, 28
2. VMS (City portable trailers)
 - NB DVD to Bonanza. “I-80 via US 40” (Right Arrow)
 - SB 224 @ Hotel PC “Park City Full” Park at High School” (Left Arrow). Turn on at 10am.
3. Overflow Parking
 - PCMR at High School. Employees not to use City Park, Library lots. City and PCMR to review signs for No Parking at Silver King/Lowell/Empire area.
 - Deer Valley Protocol for using East Side of DVD. Need better communication on installation but particularly on removal of bags over No Parking signs. DV staff to notify Police dispatch at 5pm of removal. Some cars, possibly St Regis guests, may still be parked along street.



MANAGER'S REPORT – October 30, 2014

Submitted by: Ann Ober, Sustainability & Clint Dayley, Water/Streets Manager
Subject: School District/PCM Shared Properties

Summary Recommendations:

No Action

Topic/Description:

During the September 22, 2014 Joint City, County, School District meeting there was confusion regarding the maintenance of School District properties. This report is to provide Council with information regarding maintenance and watering of said properties.

Background:

In November of 1990, the School District and Park City Municipal entered into a lease agreement for the use of school properties for community programming and for City maintenance of certain properties. The agreement provides for the first right of refusal for use of the properties, but the scheduling and maintenance of the fields remains with the City. The agreement has been attached for your information.

The following map shows the areas under the City's management:



The property is managed through the same operating system as our other properties. The specifics of the system are:

- City has a computerized central irrigation system from which all fields and parks are controlled.
- In the last couple years, the City control system has been upgraded to utilize smart phones. This allows staff to access the control of the system even from home. Typically, in the anticipation of a storm staff will shut the irrigation system off and will reevaluate irrigation needs after the storm.
- The City utilizes a weather station to determine water needs.
- All three school fields are walked several times a week to assess condition.
- It is the City's goal to never water in the rain.
- Staff abides by the water ordinance by only irrigating between 7 p.m. to 10 a.m.

Department Review: Public Works, Sustainability, Legal, Executive

Attachments:

A Agreement for Joint Use of Facilities for Recreation

EXHIBIT E

AGREEMENT FOR JOINT USE OF FACILITIES FOR RECREATION

LEASE AND AGREEMENT
FOR USE OF
SCHOOL FACILITIES FOR RECREATION

THIS LEASE AND USE AGREEMENT (Agreement) is made and entered into this 22nd day of Nov., 1990 by and between Park City, a Municipal Corporation ("City") and the Park City School District ("District").

IN CONSIDERATION of the mutual promises and other considerations expressed herein, the District and the City agree as follows:

1.0 Premises.

The property covered by this Agreement consists of real property in Park City, Summit County, Utah commonly known as school fields, the legal description of which is set forth in Exhibit "A."

2.0 Lease of Premises and Rent.

The District hereby leases the Premises to the City for one (1) dollar per year, payable in advance, subject to the conditions and restrictions of this Agreement.

3.0 Use of Premises.

(a) The City shall use or cause the Premises to be used for public recreation programs and the construction, renovation and maintenance of facilities for such programs.

(b) The City shall secure written approval according to procedures described in paragraph 5.0 from the District for new facilities (not renovation or maintenance) prior to commencing construction.

(c) The City shall have the responsibility for scheduling use of the recreation fields and improvements.

(d) The District shall be assured priority in the use of the recreation fields for official school purposes by permitting the District to reserve space in advance of the City or other groups and scheduling City activities around the times school is in session.

(e) The District may displace recreation improvements for the construction or development of any school facility provided that the District gives the City twelve (12) months written notice of its intent to displace the improvements and compensates the City for the current value of improvements. The value may be established by mutual agreement or independent appraisal.

(f) The City shall be responsible for the Leased Premises at all times when the premises are not used by the District or its agents. The City expressly assumes the risk, obligation and liability in connection with the Leased Premises except for those times during which the District is scheduled to use the Leased Premises or any part thereof.

(g) The Premises constitute a non-public forum and any use of the Leased Premises for other than District sponsored programs and Park City sponsored recreation programs is subject to approval by the Park City School District Board of Education.

4.0 Term.

(a) Subject to prior termination, as provided, the term shall be thirty (30) years commencing November 8, 1990.

(b) The City, at its sole discretion, may extend the term by twenty (20) years by providing notice to the District of its intent to extend by November 8, 2019.

5.0 Construction and Renovation.

(a) By November 8, 1991 and prior to any major construction, the City shall submit to the District a tentative schedule of improvements and construction.

(b) The City shall not commence construction of new facilities or demolition of existing structures or improvements without prior written consent from the District, which consent shall not be unreasonably withheld.

(c) Once construction is commenced, the City shall diligently pursue completion of the project or phase of construction.

(d) The City shall have the sole and exclusive duty to manage any construction of facilities or improvements on the Leased Premises during the term of the Lease.

(e) Prior to any improvements or construction on the Leased Premises, the City shall submit to the District complete specifications identifying the improvements or construction contemplated by the City and, if possible, plans to be used in connection with the improvement or construction.

(f) The City shall be responsible for managing construction and shall not abandon the construction and shall obtain and commit sufficient money to ensure that the improvements or construction are completed prior to the end of the term of this Agreement. In the event that this Agreement is terminated due to the City's failure to perform the provision of this Agreement during the lease term, the City shall have the responsibility to complete the construction and improvements at its sole cost.

(g) The City hereby agrees that it will expend at least the total sum of \$1,000,000.00 over the term of this Agreement. The City shall expend at least \$25,000.00 for each year until the City has expended at least \$500,000 after which the City need not expend \$25,000.00 per year but shall remain obligated to expend at least the total amount of \$1,000,000.00 over the term of the Agreement to complete improvements to the Leased Premises.

provision is material and any breach of this provision shall be grounds to terminate this Agreement within the School District's sole discretion.

6.0 Maintenance and Repairs.

The City shall keep and maintain the premises and all structures, improvements, landscaping, lawns and equipment which may now or hereafter be on the premises in good condition and repair, consistent with standards for similar City facilities.

7.0 Utilities and Refuse.

(a) The City shall be entitled to use gymnasium facilities in the Leased Premises for up to 300 hours per year and the District shall pay actual utility costs for these first 300 hours. The School District shall maintain records showing the actual use of the facilities by the City. However, the City shall pay the utility costs at the rate of \$13.50 per hour by the City after the first 300 hours as shown on the School District's records. The City also shall pay actual utility costs for use of the forum and wrestling rooms at Treasure Mountain Middle School for all adult programs in addition to payments for the gymnasium facility. Utility cost for student related programs will not be charged. Every two years the utility rate will be adjusted to reflect the actual costs to the School District.

(b) The City shall arrange and pay all costs for the timely and efficient collection of all refuse from the premises.

(c) The City shall have the sole responsibility to pay operating expenses for the Leased Premises during the term of this Agreement, including janitorial, utilities, garbage collection, repairs and maintenance.

(d) The City shall pay and provide for the maintenance, repair and operation of the Leased Premises during the term of the Lease.

8.0 Indemnification and Insurance.

(a) Each party covenants and agrees to indemnify, hold harmless and defend the other, its agents and employees from all fines, suits, claims, demands and actions of any kind and nature, including attorney's fees, by reason of any and all of the uses or operations hereunder. The City and District agree to assume all the risks in the operation of their own recreation programs and facilities hereunder and will be solely responsible and answerable in damages for any and all accidents or injury to persons or property. City agrees to indemnify, hold harmless and defend School District, its agents and employees from all claims, damages, demands, actions, costs and charges, including attorney's fees, arising out of or by reason of any of its agents' or employees' acts or omissions hereunder or the operation of the City's recreation programs on said premises. The School District agrees to indemnify, hold harmless and defend City, its agents and employees

from all claims, damages, demands, actions, costs and charges, including attorney's fees, arising out of or by reason of its use of the Premises.

(b) Each party shall maintain Public Liability Insurance to protect patrons and participants on the premises. Each party shall carry a policy of general liability insurance in an amount of at least \$1,000,000 per person and \$1,000,000 per incident or occurrence. The City shall be named as an additional insured on the School District's policy and the School District shall be named as an additional insured on the City's policy. A certificate of insurance with a 30-day cancellation notice provision shall be provided to each party on or before the lease commencement date and be maintained continuously during the term of this lease. In addition to the liability insurance set forth above, the School District will procure, and keep in full force and effect during the term of this lease, Fire and Extended Coverage Insurance on its improvements, fixtures and equipment to the full insurable value of the same and will furnish the City with evidence of such coverage. The City shall likewise procure, and keep in full force and effect during the term of this lease, Fire and Extended Coverage Insurance on its leasehold improvements to the full insurable value of the same and furnish the School District with evidence of such coverage. Each party may carry whatever additional insurance they deem appropriate.

9.0 Title of Improvements.

Any improvements constructed on the Premises by the City which constitute "fixtures" shall be the property of the District and shall become the District's property at the conclusion of this Agreement without compensation to the City. "Fixtures" as used herein shall mean any improvement which cannot be removed from the Premises without some damage to the existing walls, floors, ceilings or other parts of existing structures. Any improvements to the Premises installed by the City which do not constitute fixtures shall be the property of the City upon termination of this Agreement and the City shall be entitled to remove such improvements without compensation to the District. Upon termination of this Agreement, the City may remove fixtures only upon receipt of prior written approval from the District. As a condition to removal of any improvement by the City, the City shall restore the Premises to the same condition as before the improvement in question was made.

10.0 Other Obligations of the District.

(a) Commencing November 8, 1990 and continuing through the term of this Agreement the District will permit the City free use of school buildings for recreation programs except as described in 7.0 above.

(b) The District shall schedule use of school buildings to avoid conflict with school programs and other commitments while assuring reasonable access to school buildings for recreation programs.

(c) The District shall provide for utilities and janitorial services for the buildings during normal uses by the City. If requested by the District, the City will be responsible for opening and closing the buildings and general clean-up following City use. If City use results in damages requiring repairs

in excess of \$25.00 the City shall reimburse the District for their actual cost to perform said repairs.

11.0 Joint Use Committee.

(a) The City and District shall establish a committee to advise on the operation of this Agreement including the design, scheduling and use of facilities addressed in the agreement. This committee, which shall be known as the Joint Use Committee (Committee), shall consist of two District representatives and one citizen appointed by the District and two City representatives and one citizen appointed by the City. The Committee shall meet annually in May and other times as may be necessary.

(b) In the event that Summit County (the "County") desires to use the Leased Premises for any purpose consistent with Paragraph 3.0(g) of this Agreement, the City shall grant priority scheduling to the County as requested subject only to use by the School District first and/or the City second but before all other persons and/or entities that may desire to use the Leased Premises.

12.0 Default.

(a) The City shall be in default of this Agreement if it does any one of the following:

- (1) Fails to keep and maintain the premises and all structures, improvements, landscaping, lawns and equipment in good condition and repair as required under paragraph 6.0 of this Agreement after receiving 15 days prior written notice to correct or repair as required.
- (2) Abandons use of the premises for the period of twelve (12) months.
- (3) Fails, after ninety (90) days written notice from the District, to perform or observe any condition or obligation of this Agreement.
- (4) Fails to expend at least \$1,000,000.00 toward capital improvements by November 8, 2000, as provided in Paragraph 5.0(g).

(b) The District will be in default of this Agreement if it fails, after ninety (90) days written notice from the City, to perform or observe any condition or obligation of this Agreement.

(c) In the event of default by any party, the non-defaulting party may demand for cure, seek specific performance, rescission or any other equitable or legal remedy. In the event a civil action is commenced to enforce the provisions of this Agreement, the prevailing party shall be entitled to an award of its costs of suit, including a reasonable attorney's fees.

13.0 Notice.

Notice required by this Agreement may be given by mail, postage prepaid, to the following addresses and will be deemed to have been given when posted, properly addressed as follows:

Park City School District
Attention: School Superintendent
1250 Iron Horse Drive
P.O. Box 680310
Park City, Utah 84060

Park City Municipal Corporation
Attention: City Manager
445 Marsac Avenue
P.O. Box 1480
Park City, Utah 84060

14.0 Complete Agreement.

This Agreement and the exhibit attached hereto constitute the entire agreement of the parties hereto with regard to the matters addressed herein. This Agreement and its Exhibit may be amended only by written agreement of the parties, signed by both parties hereto. No action or inaction of the parties shall constitute waiver, amendment or modification of the terms of this Agreement without a written, mutually signed amendment.

15.0 Severability.

In the event a portion or portions of this Agreement are adjudged to be void or otherwise unenforceable, the remainder of this Agreement shall remain in full force and effect.

16.0 Authorization.

The minutes of the respective Board meetings of the City and the District authorizing this Agreement are attached hereto as an Exhibit.

DATED this 20th day of Nov, 1990.

PARK CITY MUNICIPAL CORPORATION

Attest:

Carla L. Sheldon

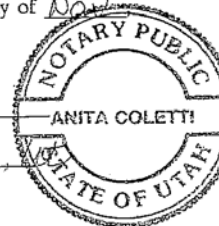
Bradley A. Olch
Mayor Bradley A. Olch

STATE OF UTAH)
 : ss
COUNTY OF SUMMIT)

The foregoing Agreement was acknowledged before me on the 20th day of Nov. 1990 by Bradley A. Olch, Mayor of Park city Municipal Corporation.

My Commission Expires:
9/1/91

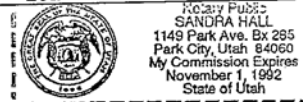
Anita Coletti
NOTARY PUBLIC
Residing at Park City, Utah



DATED this 13th day of Nov., 1990.

PARK CITY SCHOOL DISTRICT

Eugene S. Lambert
By: Eugene S. Lambert
Its: Board of Education President



STATE OF UTAH)
 : ss
COUNTY OF SUMMIT)

The foregoing Agreement was acknowledged before me on the 13th day of Nov. 1990 by Eugene S. Lambert, the Board of Education President of the Park City School District.

Sandra Hall
NOTARY PUBLIC
Residing at Park City, Utah

My Commission Expires:
Nov. 1, 1992

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MANAGER'S REPORT – October 30, 2014

Submitted by: Tate Shaw, Recreation Supervisor
Subject: Dog Park Agility

Park City Recreation, along with help from the Parks Department, recently installed five new agility pieces for the Dog Park at Quinns Sports Complex.

Back in July, Recreation staff and the Recreation Advisory Board (RAB) began looking at different products for the potential of adding new features at the park. Staff and RAB reviewed references from previous installs to see about quality and longevity as well as the variety of pieces.

Staff and RAB narrowed the selection down to five pieces which include-

1. Doggie Up and Over- Which is angled up to an elevated platform and angled down to the ground.
2. Rover Jump Over- A jump feature that has three heights. This has a breakaway safety feature. If the dog doesn't make the height the bar drops down to a lower catch.
3. Teeter Totter- Is a teeter totter weighted to always drop to the approach side.
4. Hoop Jump- A jump feature that has three different hoop heights for dogs to jump through.
5. Weave Posts- These breakaway sticks are designed for dogs to move in and out of each one as they weave to the finish.

Upon selection, we discussed the potential to save money by doing the installation in house. Working with Dave Urban and the Quinns Sports Complex crew, we selected the area of the park and then worked with a professional trainer to finalize spacing and agility order. Dave Urban and his crew did a fantastic job with the installation.

The agility items were purchased through Highland Products Group based out of Florida for a total cost of \$6,297. These were purchased through the Dog Park CIP Budget.

Below are pictures of the new agility pieces. (Including Dave Urban doing a demo.)







MANAGER'S REPORT – October 30, 2014

Submitted by: Adriane Herrick Juarez

Subject: Library Recertification

The Utah State Library Division has recertified the Park City Library at the quality library level. This is the highest level for library certification. It means that the Library has not only met the *Standards for Utah Public Libraries* in regard to governance, funding, access, personnel, resources, technology, facilities, marketing, administration, and advocacy but has also met at least 90% of the *Best Practices* criteria and is able to mentor other libraries.



GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor



Donna Jones Morris
Director

October 16, 2014

Director Adriane Juarez
Park City Library
1255 Park Ave
Park City, Utah 84060

Dear Adriane:

Congratulations! *Park City Library* has achieved Certified Public Library status. In addition, the library has achieved **Quality Library** status! The Quality status indicates that everybody involved has gone the extra mile.

This means that Park City Library provides a level of service to the community that exceeds the standards developed by the State Library. As a Quality Library, the institution is an active, involved, and vital part of your community. It provides resources and services beyond the four walls of the library and exemplary outreach to all residents. And it means that the library is eligible to receive funds from the Community Library Enhancement Fund (CLEF) distribution in the spring of 2015, in addition to other support services provided by the State Library.

I recognize that a commitment to excellent library service takes team work. It takes leadership from the director, funding and support from the city/county government, dedication from all library staff, support from the community, training for the staff and board, planning, and constant attention to the needs of the community.

Please let your State Library consultant or me know if you have any questions and thanks to all of you for your work to deliver the best possible library services.

Warmest regards,

Donna Jones Morris
State Librarian/Division Director



MANAGER'S REPORT – October 30, 2014

Submitted by: Kent Cashel, Transportation Planning Director
Subject: Parking Fee-In Lieu Study

The City's Parking Fee-in-Lieu program enables property owners in the HCB zone to pay a per space fee in order to satisfy project parking requirements set forth in the City's Land Management Code. The current per space fee-in lieu is \$14,000. Staff has three concerns/questions with the current fee-in lieu program and fee.

1. The current fee may be inadequate to offset current structured parking construction costs.
2. The City may not have the space (land) required to construct additional parking in the Main Street Area.
3. Should the parking fee-in-lieu program continued to be offered as an option for property owners?

To address the above questions, Transportation Planning Staff have engaged FFKR Architects and a construction cost estimating professional to conduct a parking structure feasibility and per space cost analysis. This analysis will answer the following questions:

1. Does the City currently own property that would be required to add 300 additional spaces of parking to the Main Street inventory.
2. If adequate property is available what is probable construction cost (per space) for 300 additional spaces.

It is important to understand that the scope of this feasibility study is designed to provide background information for a review of the City's parking fee-in-lieu. While this property and cost analysis could provide valuable information for any parking expansion discussion in the future (e.g., budget level cost estimate and determination if required land is available) the study scope is **not** designed to:

- Answer questions regarding adequacy of current parking supply for Main Street.
- Provide design documents for any future structure
- Lock down a specific site for any potential parking expansion project in the future.

Staff is working cooperatively with Historic Park City Alliance on a Peak-Day Peak- Hour Parking Management program for the 2014-15 winter season. Parking Services will continue to conduct and monitor parking counts to ensure the City has a clear picture of current parking supply and demand.

The parking feasibility study is scheduled for completion in early December 2014. Staff will present study and findings to Council at that time (tentatively scheduled for December 11 work session).



MANAGER'S REPORT – October 30, 2014

Submitted by: Matt Dias, Assistant City Manager & Phyllis Robinson, Community Affairs Manager

Subject: Municipal Innovation Challenge Program

Most municipal governments tend to lack the organizational structure, human capacity, and political support to experiment with new and innovative ideas to improve public sector service delivery. This is particularly so when it comes to addressing some of the more challenging and complicated community issues, such as demands for growth, sustainability and congestion, improving customer service, and creating different types of housing and social services.

Because of this, Park City Municipal hopes to launch its first ever Municipal Innovation Challenge (MIC) program, with the goal of sidestepping these all too common barriers and potentially deliver change more creatively and effectively.

The MIC program will provide a safe and transparent place for staff to present new ideas and concepts that may have a high risk of failure and would normally fall outside of the municipal budgeting process. A one-time allocation of up to \$98,000 is available due to savings recently realized in the City's Capital Budget as a result of refinancing existing debt. The MIC program is considered start-up funding, with the ability to produce tangible results in one year without necessarily relying upon ongoing funding for its initial lifecycle.

The MIC program proposals will be ranked according to potential impacts on current community challenges and/or benefits, such as generating cost savings, facilitating increased levels of service to the community, improving the quality of life, or producing a new or novel approach to ongoing problem. In addition, the MIC program will provide both Staff and Council with a new venue with which to explore new idea(s), report back regularly on their progress, and utilize a data-driven evaluation technique all under the watchful eyes of the community.

The application process opens on Friday, November 7, and closes on Friday, November 28. Applications will be reviewed by an internal staff review committee in December, and finalists will be forwarded to City Council for consideration and possible funding in January.

Projects are expected to be underway by mid-March, and monthly updates will be provided to City Council by way of Manager's Reports.

Municipal Innovation Challenge

Objective: The Municipal Innovation Challenge (MIC) program encourages and incentivizes innovation among municipal staff to produce atypical results and pursue solutions to difficult community challenges often too risky to pursue during the annual budgeting process.

Challenge: Municipal governments are not always organized to support innovation and risk, especially when it comes to addressing adaptive issues—such as smart growth, sustainability, and/or customer service. In addition, many municipalities lack the human capital, organizational capacity, and financial resources to take on bold ideas or difficult challenges. Because of this, there are few incentives within local government to experiment and try new things—but there are plenty of motivations to maintain the status quo or settle for incremental change.

Purpose: The MIC program was created to provide PCMC staff with a meaningful method to sidestep some of these common barriers and potentially deliver change more creatively and effectively, while not derailing the Budgeting for Outcomes process. The MIC program reduces some of the inherent risks associated with innovation, and provides staff with a safe place to present new ideas and use data-driven approaches to reporting and delivering results.

Funding Available: A one-time allocation of \$98,000 is dedicated to this program. The funding is made possible due to cost savings in the Capital Budget. Proposals can be for the entire amount or a portion of allocation. Council reserves the right to allocate the full and partial amounts of the total funding available. Unallocated funds will be included in the FY16 Capital Budget.

Eligibility:

- Funding is one-time money.
- Funding cannot be used for ongoing expenses.
- Programs or projects should be ready to proceed within 60 days of selection.

Application Deadline: November 28, 2014

Council Decision Deadline: January 15, 2015

Project Start Date: No later than March 15, 2015

Application Process:

Step One: Submit the Innovation Challenge Application by December 1 (not to exceed 3 pages).

- How much are you requesting? If the project cost exceeds the maximum amount available, provide documentation that the remaining funds are available to implement this proposal immediately.
- What are we buying? What problem or process is your proposal addressing?
- What makes this project/program an innovative solution and different from business as usual?
- How does your proposal make a difference?

- Will your proposal create ongoing cost savings to a program?
- Will it facilitate an increased level of service?
- Does it address an unmet need in a creative way?
- Is it a demonstration program to test a new approach?
- Can this innovation be sustained without additional funding? The Innovation Challenge is looking for new ideas and approaches to municipal challenges and should be considered as start-up funding that can produce results without relying upon ongoing fund.
- What is the likelihood it will be funded could be funding through another existing city budget process?

Step Two: Internal Review (December 2015)

A five member staff review panel with managers and non-managers (sorry applicants are not eligible to participate) will be formed. The internal panel will screen programs for consistency with program eligibility and application responses. Applicants will be invited to make a short pitch to the Internal Review committee. The review panel will forward its recommendations to Council. The expectation is that the applications forwarded to City Council will exceed the entire amount available.

Step Three: Council Review (January 2015)

Finalists will make a short pitch before Council as part of the City Council review. Each Council Member will then review and score the finalist applications independently to identify their top three projects. Depending on the outcome of the Council review, staff will either forward a staff report to council recommending funding or facilitate a study session “shark tank” format to arrive at the final recommendations.

Step Four: Post-Project Reporting: (December 2015)

Recipients of innovation challenge funding will develop a project report to be presented to Council at the conclusion of their project. The report will follow a standardized format and include the project goals, implementation plan, budget, challenges and solutions, outcomes, and references.



PARK CITY COUNCIL MEETING MINUTES-DRAFT
SUMMIT COUNTY, UTAH,
October 2, 2014

Closed Session

To discuss Property, Personnel and Litigation

Work Session

Council Questions and Comments and Manager's Report

Council member Peek attended Historic Society meeting, and the Summit Lands Conservancy district.

Council member Simpson brings greetings from Ithaca, New York and Berkley, CA. Stated she met with the Planner from Ithaca on Form Based code.

Council member Matsumoto attended the Joint Transportation meeting stating she took away that her take away's were the residents do not want more traffic or high travel lanes they also want to keep free parking.

Council member Beerman also attended the Joint meeting stating he thought the interpretation was in-line with our core values. Congrats to Diane and Staff for all the awards from the ICMA meeting. Went on the radio to discuss Mountain Accord discussing that Oct 13th public open house from 6:00-8:15pm. Encouraged Council and residents to participate. Thanked staff for putting together a presentation for the Board of Realtors regarding Form Based Code.

Council member Henney stated that he also felt the Manager's report regarding the awards was great. Attended the Joint Transportation meeting and also came away with the same thoughts as Matsumoto. Thanked various staff members for the response to a residents letter that he forwarded.

Mayor Thomas also attended the Joint Transportation meeting finding it very interesting. Took a City Tour to Escalante where he met the Mayor/Bishop. Summit Lands breakfast was very well attended. Attended the lunch for the sponsors of Sundance.

Regular Meeting

6:00 pm

- I. **ROLL CALL-** Mayor Jack Thomas called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, October 2, 2014. Members in attendance were Jack Thomas, Andy Beerman, Dick Peek, Liza Simpson, Tim Henney and Cindy Matsumoto. Staff members present were Diane Foster, City

Manager; Mark Harrington, City Attorney; Matt Dias, Assistant City Manager; Marci Heil, City Recorder; Jason Christensen, Water Department; Brenda Wilde, Water Department; Matt Abbott, Sustainability; Cherie Wellmon, Building Department; Michelle Downard, Assistant Building Official; Shelly Hatch, Finance Department; Polly Samuels McLean, Assistant City Attorney; Jason Glidden, Economic Development Project Manager; Kayla Sintz, Planning Manager.

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

There were no communications or disclosures from Council or Staff.

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

Mary Wintzer spoke for the Rossi Hill neighbors requesting a review of the project located at 331 McHenry Street. She stated that the applicant received a permit to remodel by leaving the 10 foot foundation wall on the property and now has removed the foundation wall and the neighbors feel that with the removal of the wall would be cause for a new construction CUP. She feels that with all the work the general plan this is a loop hole. Council agreed that a review should take place. Michelle Downard, Assistant Building Official, spoke to the issue stating that the foundation was originally going to remain in tack. Once exposed the foundation wall was not structurally sound to hold the remodel plans. Downard stated that the applicant has submitted redline plans and staff will review those plans. Council member Henney clarified that there are two issues for staff to look at: first, the 331 McHenry lot and second, the overall loop hole concerning this issue.

Jessica Gran, Peace House, reminded Council about the candlelight vigil on Tuesday, October 7th, at 5:45pm, meeting at the Brew Pub lot.

Brooks Robinson, Transit, presented the Council with an award the City has received from the Housing Coalition for leadership in the workforce housing market. Thanks to Kent Cashel, Darrin Davis, Steve Reese and Dave Gustafson for all the work on the Public Works expansion as well as Council member Simpson for her forethought to add housing to those spaces. Council member Simpson thanked Gustafson and Cashel for their hard work to keep the project on task.

City Manager Foster stated that they received 5 "Voice of the People" awards at the ICMA Conference. Brooks Robinson spoke to all the hard work Phyllis Robinson, Communications and Public Affairs, put in, as did Foster thanking P. Robinson for the compilation of the multiple applications, without her hard work this would not have come to fruition.

Kayla Sintz stated that the Park City General Plan is receiving an award tonight and staff will present it to Council at a future meeting. Staff is very pleased with this award as it shows how hard staff and the community worked together to create a great General Plan.

IV. CONSIDERATION OF THE SEPTEMBER 18 and SEPTEMBER 25, 2014 MINUTES

Council member Beerman added a correction to page 1 of the September 18, 2014 minutes.

Council member Beerman moved to approve the

**Minutes from September 18 and September 25, 2014 as amended
Council member Matsumoto seconded**

**September 18, 2014
Approved unanimously**

September 25, 2014
Council member Peek aye
Council member Beerman aye
Council member Matsumoto aye
Council member Henney aye
Council member Simpson abstain
Approved

V. NEW BUSINESS

1. Consideration of a resolution adopting the Water Conservation Plan

Jason Christensen, Water Department and Brenda Wilde, Water Department, spoke to the resolution adopting the water conservation plan. Council thanked staff for the great report.

Mayor Thomas opened the floor for public input, no comments were made.

**Council member Simpson moved to approve a resolution
adopting the Water Conservation Plan
Council member Matsumoto seconded
Approved unanimously**

2. Consideration of the authorization of the City Manager to enter into a Construction Contract with Alpenglow Solar for the Park City MARC PV Array in an amount not to exceed \$424,499 in a form approved by the City Attorney.

Matt Abbott, Sustainability, stated that there will 755 panels on the roof and was very pleased with the price of \$2.04 a watt. Council member Henney inquired about the string format of panel components. Alpenglow representative, Dave Sheldon, spoke to the string panel component of the product. Council member Simpson inquired about panel aesthetic in the Park Meadows neighborhood. Alpenglow representative, John Conde, stated that they will be all blacked out and follow the plane of the roof. Council member Peek inquired about the snow drift and the string series working at full potential. Alpenglow representative, Josh Kordecki, stated that they will be strung horizontally instead of vertically in order to maximize the full potential at all times. Mayor Thomas inquired about the warranty. Alpenglow representative stated that they apply the fastenings and provide the contractor full metal flashings to be installed then the roofers will apply the shingles.

Mayor Thomas opened the floor for public input, no comments were made.

Council member Beerman stated that he was very pleased that when the information that the MARC building was not performing well in terms of energy the City found the funds to offset the energy drain.

**Council member Beerman moved to approve the Construction Contract with Alpenglow Solar for the Park City MARC PV Array in an amount not to exceed \$424,499 in a form approved by the City Attorney.
Council member Matsumoto seconded
Approved unanimously**

3. Consideration of an ordinance amending 4- 2- 1 Unlawful to Operate Without a License, 4- 2- 2 Double Fee for Failure to Obtain Required License, 4- 2- 8 Inspection for Code Compliance/Notice of Infraction/License Revocation/Complaint Filed by City Attorney, 4- 2- 10 License Issuance or Denial, 4- 3-11 License to be Displayed and adopting 4- 3-10 Unlawful to Operate Without a License and Chapter 3A – Convention Sales and Hospitality License Applications Submitted Between December 1 and January 25 to clarify the general business licensing process and modify the application and inspection procedure for Sundance business and convention sales licenses

Cherie Wellmon, Building Department, spoke to the purpose of this ordinance stating that the large increase over the past two years has motivated staff to move forward with this change. Spoke to the process of type 2 Convention Sales License's . Stated that with the volume of inspections staff is proposing a pre-application inspection that would allow staff to discuss the current issues with the proposed space and would be followed up during the final inspection. The second change would be bringing the type 2 CSL's to Council for approval. Council member Henney inquired about the bottlenecking of inspections. Wellmon stated that the pre-inspection would be valid for 120 days rather than the current 60 days and would be valid for multiple licenses using the same space. Wellmon stated that staff has met with the HPCA and they are in favor of this amendment.

Council member Simpson thanked staff for the thorough staff report. She also feels that changing the validation of the inspection to 120 day is a huge help. Council member Peek inquired how the issues with be identified in the pre-inspection to track through the final inspection. Wellmon stated that staff will have to take very detailed notes. Council member Beerman inquired what the chart in the staff report meant. Polly Samuels McLean, Assistant City Attorney, stated that it will be noticed in advance and give plenty of notice. Council member Matsumoto stated that she felt it was concerning to wait to the last meeting and having late licenses coming in last minute. Shelly Hatch, Finance, stated that the main concern is safety this would allow staff the proper amount of time to perform the inspections.

Council member Beerman stated that he feels Council will be bombarded with last minutes pleas for acceptance. Glidden spoke to the key players who apply for most of the applications and they are in favor of the changes and felt the hard deadline was the most important. Council member Simpson spoke to the rush at the end and feels that with Mike Sweeny and HPCA being on board and not having any notice issues with having a special meeting just in case she feels comfortable. Council member Beerman inquired if there should be a staff level approval for the last minute applications.

Council member Matsumoto stated that she would encourage an aggressive public outreach plan to explain the changes. Downard stated that they have met with groups who have been scouting the area. Kayla Sintz, Planning Manager, stated that they sent out a mass mailing of

changes last year and have plans to follow those steps this year. As well as the "Rules of the Road" pamphlet will be available on-line.

Mayor Thomas stated that he met with Sara Peirce and the Sundance group is in favor of staff's changes. His main concern is life-safety and feels that the last minutes applications create a concern.

City Manager Foster stated the change is to increase transparency and feels a staff approval for last minute applications would reward those who promote bad behavior.

Council member Peek stated he was comfortable with the ordinance as written and stated that Council could always review this item next year.

Mayor Thomas opened the public hearing.

Allison Butz stated that the HPCA is comfortable with the ordinance as written and stated that they have met with staff on a number of occasions and have worked really well together.

Mayor Thomas closed the hearing.

Polly Samuels McLean, Assistant City Attorney, pointed out an amendment to the public meeting line in the ordinance to allow for special meetings if needed stating it should read a publically noticed meeting with the application turned in three working days prior.

Council member Peek moved to approve an ordinance amending 4- 2- 1 Unlawful to Operate Without a License, 4- 2- 2 Double Fee for Failure to Obtain Required License, 4- 2- 8 Inspection for Code Compliance/Notice of Infraction/License Revocation/Complaint Filed by City Attorney, 4- 2- 10 License Issuance or Denial, 4- 3-11 License to be Displayed and adopting 4- 3-10 Unlawful to Operate Without a License and Chapter 3A – Convention Sales and Hospitality License Applications Submitted Between December 1 and January 25 to clarify the general business licensing process and modify the application and inspection procedure for Sundance business and convention sales licenses as amended
Council member Matsumoto seconded
Approved unanimously

VI. ADJOURNMENT

Council member Beerman moved to adjourn the meeting
Council member Peek seconded
Approved unanimously

CLOSED SESSION MEMORANDUM

The City Council met in a closed session at approximately 2:00 p.m. Members in attendance were Mayor Jack Thomas, Andy Beerman, Dick Peek, Cindy Matsumoto and Tim Henney. Staff members present were; Diane Foster, City Manager; Mark Harrington, City Attorney; Matt Dias, Assistant City Manager; Heinrich Deters, Trails and Open Space Manager. **Council member Matsumoto moved to close the meeting to discuss Property, Litigation and Personnel. Council member Simpson seconded. Motion carried.**

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

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



Marci S. Heil, City Recorder





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

Closed Session

To discuss Property, Personnel and Litigation

Study Session

Special Events Update

Jason Glidden, Jenny Diersen and Tommy Youngblood, Special Events, spoke with the Council regarding Special Events. Mayor Thomas inquired of the Council if they are comfortable with the past Council goals. Council member Matsumoto stated that she feels that the businesses are happy but the residents are feeling that it is too heavy. Council member Beerman stated that he used to represent the businesses before he was elected on Council and feels that there is turmoil with the residents and the businesses. Council member Simpson stated that she felt that the City is at the max and feels that the City needs to monitor and evaluate the events. Simpson stated that she has had conversations with residents and found that they do love the events but do not like what they have morphed into. Council member Beerman feels that there are peak times that it does not make sense but during the down time it makes sense. We need to achieve a balance and look to mitigate the needs of the community. Council member Henney stated that he feels that the Council needs to look at "Event Fatigue" there are times when the residents want to visit Main Street and have a break from the crowds. Council member Matsumoto stated that during the time when the chamber was working on the matrix separating the money makers and local events. Council member Beerman stated that he agreed with Henney managing the event fatigue, but when he discusses the shoulder seasons and if we want to keep the businesses local then we need to push into the shoulder season. Council member Simpson stated that we need to use those shoulder seasons to give the town back to the community. Acting City Manager Dias stated he is hearing keeping status quo. Glidden stated that he heard that the Council is looking for more quality rather than quantity. Glidden spoke to the Event Report card discussing that it was staff only but staff would like to open this to an event task force with business owners and community members. Council member Beerman stated that Vail has a great model regarding a commission that looks at events. Bob Kohler stated that he manages the County Special Events and discussed the criteria they look at as well as the grant funding. Mayor Thomas inquired about the impacts to the neighborhood. Jenney stated that when she was in Vail she met with the Special Events team stating that they look at the funding sources and demographics of each event. Simpson inquired about the numbers the City gives to events as in kind services. Staff did not have that number ready but will bring it back to Council in a work session along with more information on the ideas generated during this meeting. Spoke to the debrief process following a poor event.

Mayor Thomas opened the floor for public input.

Jess Ried stated he supports the special events and likes what they do for the community but does feel they are out of hand. Spoke to a few events that have grown and have negatively impacted the community. Spoke to the Little League World Series on the North 40 lots that go against the recreation master plan. Stated that the neighborhoods are just asking the City for sensitivity. Gave the Council and staff an idea of a “do nothing, go nowhere” weekend.

Chuck English, resident of Park Meadows, agrees with Jess stating that he loves the activity and energy and is on the events side of Deer Valley that have gotten out of hand as well. Needs to keep in mind the public/private events. Spoke to the return on investment that Deer Valley looks at.

Work Session

Council Questions and Comments and Manager’s Report

Council member Matsumoto attended the Peace house vigil stating it was a great event which brought awareness to Domestic Violence. Attended the Library board meeting where the Architect discussed the progress of the library renovation.

Council member Beerman also attended Peace House event and hosted a Mountain Accord business meeting. Reminded public of the Mountain Accord meeting to be held on October 13th at the Marriot Sidewinder.

Council member Peek attended a BOA meeting.

Council member Henney attended the Habitat “Overall” Ball. And attended the Recreation Advisory Board where they discussed dog parks and dog policies.

Council member Simpson attended the Health Board meeting where they adopted a code for the first time stating they have always relied on the Summit County code, they also discuss dogs and granted a variance to allow dogs on the dining decks on Main. Attended the Fire board meeting, Mountain lands housing trust meeting, and the Planning Commission.

Mayor Thomas also attended the Overall ball and the Peace House Vigil. Attended an award ceremony where the Mayor of Midvale was awarded the Eleanor Roosevelt award.

Historic Mine Sites discussion

Anya Grahn, Planner, stated that staff has been looking into the Historic Mines and staff led a reconnaissance level survey where they identified several mines. Discussed the partnership with the Historical society. Staff is looking into an intensive site inventory. Stated that staff would like to look at the Historic Sites Inventory list stating that staff would like to add a few more mine sites to the list. Discussed the preservation efforts such as stabilization, documentation, Notice and Order, partnerships, preservation easements and a consideration of an archeology ordinance to preserve the grounds to prevent looting, vandalism. Grahn spoke to the funding sources with examples such as a partnership with the Museum and available grant monies.

Next steps will be bringing the findings of the staff reconnaissance survey and would like to bring Chris Merritt, Utah State Historical Society to a work session to explain this topic further. Council member Matsumoto inquired about the funding sources. Nate Rockwood, Capital Budget, Debts and Grants Manager, spoke to the funding options using abatement funds or a special service grant. Council member Peek stated that he is in favor of the Preservation as well

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

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

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

Historic Grant Program discussion

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

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

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

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

Transportation Master Plan discussion

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

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

Regular Meeting

6:00 pm

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

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

There were no communications or disclosures from Council or Staff.

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

Chris Hague- discussed the project known as StoneRidge that was purchased by Park City to complete Round Valley. Stated he lives across from Stone Ridge and has a vested interest in the property. He has discussed the property with Heinrich Deters and has concerns with the proposed uses of this area. In speaking with the staff he feels the trail head parking lot is too large. Spoke to the parking overflow going to the Basin Rec parking lot. Second question to staff's envisioned plan of a maintenance building on the property. Hague requested that the Mayor put a Council member in contact with Deters and Jordan to help knock this issue out. Staff reassured Hague of the public process regarding the County Planning Commission. Finally, he discussed the spoils pile in the area stating he feels that there is too much material to be spread in the area and knows that some will need to be carried away and will need to be planned out in a well manner.

Deters stated that this item will go before the Basin Recreation Planning Commission and informed Council and the public that the property is within the Conservation easement. Council member Simpson reaffirmed that staff and the City have a very good working relationship to date with Basin Rec and Rena.

Robert Reynolds commented on the Bonanza Park form based code stating that 152 residents, stakeholders and concerned parties were obtained in 4 days to sign a petition against form based code. The eight items that the petition outlined were listed. Highlighted a few of the key players who signed the petition.

Clay Stuard stated that 25 or so people showed up at the Planning Commission meeting last night to give comment against the form based code. Showed a BoPa map that showed X's through the areas that showed the stake holders who are not in favor of this plan. Feels this "live, work, play" is an innuendo. Feels that the planning staff continues to be vague with the purpose of this code change. Feels that the general MPD ordinance gets the job done. Feels that it is not the right legislative

Steven Parker stated that he feels that the area is in this district is the heart of the City and would like to see a good community feel.

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

1. Consideration of the Second Amendment to the Professional Services Agreement, in a form approved by the City Attorney, with URS Corporation for Metals Impacted Soils Management and Testing Services for an increase to the contract in an amount not to exceed \$27,500.

**Council member Simpson moved to approve the consent agenda
Council member Peek Seconded
Approved unanimously**

V. NEW BUSINESS

1. Consideration of the changes to the Historic District Grant program and provide direction regarding the application process and policy for the administration of the program. Council should also review and provide direction on the Historic District Grant Program Eligibility criteria.

Thomas Eddington, Planning Director, asked the Council to continue this item until the HPB has a chance to look at the changes

Council member Matsumoto moved to continue to a date uncertain
Council member Simpson seconded
Approved unanimously

2. Consideration of a resolution authorizing the sale and issuance and sale of up to \$3,540,000 of general obligation refunding bonds of the City; and providing for related matters

Nate Rockwood, Capital Budgets, Debts and Grants Manager, stated that this is a sale of the general obligation bond that will be refunding this amount which would also result in a property tax reduction

Council member Simpson moved to approve a resolution authorizing the sale and issuance and sale of up to \$3,540,000 of general obligation refunding bonds of the City; and providing for related matters
Council member Peek seconded
Approved unanimously

3. Consideration of a plat amendment for Barbara's Subdivision located at 1103 & 1105 Lowell Avenue, Park City, Utah pursuant to findings of fact, conclusions of law, and conditions of approval in a form approved by the City Attorney.

Planner Astorga, spoke to the re-plat of Barbara's subdivision stated they would be combining 5 lots into 2 lots.

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

Council member Peek moved to approve a plat amendment for Barbara's Subdivision located at 1103 & 1105 Lowell Avenue, Park City, Utah pursuant to findings of fact, conclusions of law, and conditions of approval in a form approved by the City Attorney
Council member Beerman seconded
Approved unanimously

4. Consideration authorizing the City Manager to enter into a contract with Carashoft Technology Corp (IQM2) for Meeting Management Software in an amount not to exceed \$1,030.00 per month, or \$12,360.00 annually, in a form approved by the City Attorney.

Matt Dias, Assistant City Manager, gave an overview of the procurement of meeting management software. He then outlined the process that staff went through to choose the IQM2. Stated that we will start with real stream audio and then eventually roll out the video.

Stated there are no upfront costs and outlined the month to month contract terms with no contractual increases proving this a minimal risk for the City. Council member Simpson thanked staff for the quick turnaround. She also inquired about the reference to an "iframe" in the RFP. City Recorder Heil stated that it was a snap shot that would be incorporated in our current website so residents would not have to be redirected to the IQM2 website to access the meetings. Council member Beerman inquired if there was analytical data collected to see how often the features are being accessed. Dias stated that staff had not inquired about that but that he would find out and let Council know.

Council member Simpson moved to approve the contract with Carashoft Technology Corp (IQM2) for Meeting Management Software in an amount not to exceed \$1,030.00 per month, or \$12,360.00 annually, in a form approved by the City Attorney
Council member Henney seconded
Approved unanimously

5. Consideration of a Real Estate Purchase Contract for the Clark Ranch property located near Highway 40 corridor, south of Quinn's Junction, Park City, Utah in a form approved by the City Attorney.

Heinrich Deters, Trails and Open Space, and Rory Murphy, representing the Gilmor Family Estate spoke to the 2 REPC's for the Gilmor property. Deters outlined the timeline stating we would close on the property in December and cost is \$6.2 million that would be paid out in a lump sum. Staff is recommending a 6 month process/evaluation to look at a conservation easement, trail planning and non-open space uses. Simpson inquired about the trail planning. Deters stated he was invited to participate in the Wasatch trail planning. Beerman stated that he would request a site tour if non-open space uses were proposed. Deters stated this will be a very transparent process. Rory stated, on behalf of the Florence J Gilmor, the family is honored to enter in this agreement with the City. Beerman stated that he is so thankful to live in a City that preserves open space like Park City does. He also thanked COSAC for evaluation, and thanked Florence Gilmor estate for working with the City and thanked Rory for being a pivotal key player. Thanked Tom Dayley for discussing this with the trust for 10 years. Thanked Deters for his work. Peek thanked the voters for passing the resort sales tax for making this possible.

Council member Beerman moved to approve Real Estate Purchase Contract for the Clark Ranch property located near Highway 40 corridor, south of Quinn's Junction, Park City, Utah in a form approved by the City Attorney.
Council member Matsumoto seconded
Approved unanimously

6. Consideration of A Resolution Adopting an Interlocal Agreement between Park City Municipal and Summit County and authorizing the City Manager to execute the Agreement in a form approved by the City Attorney:

Mark Harrington, City Attorney, outlined the brief history of the buildup to this interlocal agreement. Stated that the County Council entered into this same agreement last night and it will involve a task force of the Mayor, City Manager and one other Council member serving as liaison along with the County holding regular meetings to discuss any items that would involve both the County and City. Council discussed the options of a rotating liaison. Mayor and Council

decided to name Council member Beerman as the primary liaison and Council member Peek as secondary.

Mayor Thomas opened the public hearing, there were no comments heard. Mayor Thomas closed the public hearing.

Council member Peek moved to approve a Resolution Adopting an Interlocal Agreement between Park City Municipal and Summit County and authorizing the City Manager to execute the Agreement in a form approved by the City Attorney
Council member Simpson seconded
Approved unanimously

VI. ADJOURNMENT

Council member Matsumoto moved to adjourn the meeting
Council member Peek seconded
Approved unanimously

CLOSED SESSION MEMORANDUM

The City Council met in a closed session at approximately 2:00 p.m. Members in attendance were Mayor Jack Thomas, Andy Beerman, Dick Peek, Cindy Matsumoto and Tim Henney. Staff members present were; Mark Harrington, City Attorney; Matt Dias, Assistant City Manager; Tricia Lake, Assistant City Attorney/Prosecutor; Lisa Rogers, Legal; Brooke Moss, Human Resources Manager; Doug Kennedy, States Insurance Attorney/Berkley Risk Retention Loss Claims. **Council member Beerman moved to close the meeting to discuss Property, Litigation and Personnel. Council member Matsumoto seconded. Motion carried.**

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

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


Marci S. Heil, City Recorder





City Council Staff Report

Subject: Professional Services Contract for
McHenry Avenue Re-Construction
Author: Matthew Cassel, P.E., City Engineer
Date: October 30, 2014
Type of Item: Administrative

Summary Recommendations:

The Council should consider authorizing the City Manager to sign a Professional Services Agreement with Ward Engineering Group for consultant services related to the Re-Construction of McHenry Avenue in the amount of \$89,078.

Description

This contract with Ward Engineering Group will provide for the necessary design work on this Old Town Street. Ward Engineering Group was selected to provide pre-design, design, bidding services, construction engineering management and post construction services for the McHenry Avenue Re-Construction project. Their total fee for these five elements is \$89,078.

Background:

City Council adopted the Old Town Improvement Study (OTIS) in 2002. This was actually the second study, as the City had been steadily improving infrastructure in Old Town since an earlier study in 1992 made similar recommendations. Street projects which have been completed since 1992 include most of Swede Alley, King Road, Ontario Avenue, Marsac Avenue, Woodside Avenue south of 12th Street, Upper Park Avenue, Prospect Street, Upper Norfolk and lower Woodside/Norfolk, Hillside Avenue, Sandridge Avenue, Empire Avenue, 10th Street and 11th Street.

In May 2011, the OTIS study was updated with current estimates of construction costs and a reprioritization of projects. Though McHenry Avenue was not the next project up, circumstances described in the analysis section made it the next project. Proposed improvements include road removal and replacement, drainage improvements, gas line replacement, repair/replacing a section of the existing sewer, evaluation for the potential for curb and gutter and sidewalk along this road section and coordination with the other dry utility companies for upgrade or replacement of their facilities. Traffic signs, regulatory signage will also be installed and a street light at the intersection of Rossi Hill Drive and McHenry Avenue will be considered.

To keep the residents along McHenry Avenue informed and provide them with a venue to voice their issues and concerns, three public involvement meetings will be scheduled to be held during the course of the project. The first public meeting will be held during the preliminary design phase of the project and will capture the residents initial concerns that staff will need to address. The second public meeting will be held as the design nears completion and will be used to show the residents the nearly complete design and

again provide for their input. The third public meeting will be held just before construction starts, which will let the residents know construction is starting and give them a chance to meet the contractor.

Critical elements of this project include providing resident's access during roadway construction, determination of whether sidewalks will be installed and achieving no net parking loss.

Analysis:

The 2011 re-prioritized OTIS projects are as follows:

- Empire Avenue,
- Sullivan Road,
- Chambers Avenue (waterline only)
- 8th Street,
- 14th Street,
- 15th Street,
- Rossi Hill Drive,
- McHenry Avenue

Because of the waterline projects this past summer and the Empire Avenue project from the previous two years, starting another project in the same immediate area appeared to staff to inflict more pain. Staff decided to give this area a year off from OTIS construction and not do 8th, 14th or 15th Streets. Because of the impacts to Lowell Avenue from the transmission waterline and gas line installation from the last two years, it is anticipated that Lowell Avenue will be the next OTIS project with construction in the summer of 2016.

Because Sullivan Road is located in the Soil Ordinance Boundary, staff has delayed any OTIS project located in the Soil Ordinance Boundary because the construction estimates did not include the cost to haul soils to a repository and the hope is that a solution will be found before it is time to do these projects.

Rossi Hill Drive is currently in the Neighborhood Traffic Management Program (NTMP) process due to parking and emergency access concerns and complaints. These concerns are currently being addressed but will not be resolved for another six months or so.

A review committee consisting of Clint McAfee (Public Works), Grant Piercy (Questar Gas) and Matt Cassel, Jennifer Byrd and Nick Graue (Engineering) evaluated the six (6) submitted Statement of Qualifications (SOQs) from consulting firms as listed below:

FIRM

Alliance Engineering
Epic Engineering
GDA Engineers

NV5 Consultants
Stanley Consultants, Inc.
Ward Engineering

In addition to price (which by City policy does not need to be the determining factor), the SOQs were evaluated based on the following criteria:

1. Experience on similar projects (25% of total score),
2. Strength of individuals committed to the project (20% of total score),
3. Relevance of the submitted work plan (15% of total score),
4. Communication and public involvement skills (15% of total score),
5. Strength of SOQ addressing Park City concerns (20% of total score), and
6. Other factors (5% of total score)

Ward Engineering Group was the top ranking firm and the selection committee opted to not shortlist interview other firms. The final scope of services and proposed fee were negotiated with Ward Engineering Group.

The following are the deliverables to be provided by Ward Engineering Group per the final negotiated scope of work:

- A preliminary design,
- A final design and construction documents,
- Construction documentation, and
- Record survey and record drawings after the project is completed

The project will include the holding of three public meetings:

- First Public Involvement Meeting - An open house style meeting is planned as the preliminary design is being started.
- Second Public Involvement Meeting – The second open house style meeting is planned as the final design is being completed, and
- Final Public Involvement Meeting – The final meeting will occur after the contractor is selected so the residents have a chance to meet the contractor and staff can provide a better schedule for the construction.

Department Review:

This report has been reviewed by City Manager, Budget, Public Works and Legal. All issues have been resolved.

Alternatives:

A. Approve the Request:

This is staff's recommendation.

B. Deny the Request:

If this request is denied, it could be difficult to complete the design in time for the 2015 construction season.

C. Continue the Item:

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

D. Do Nothing:

This option would not allow staff to start the design for the McHenry Avenue Re-Construction.

Significant Impacts:

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

The engineering design will have no significant impacts, whereas the actual construction of McHenry Avenue will heavily impact the adjacent residents.

Funding:

Capital Project cp0157 contains \$1,950,000 which was approved for OTIS Phase III projects. Funding for OTIS projects are part of the Council adopted 10-year Additional Resort Communities Sales Tax plan and the 5-year CIP. Snyderville Basin Water Reclamation District (SBWRD) and Questar Gas will finance the design and construction of their own portion of the project.

Consequences of not taking the recommended action:

McHenry Avenue is a local street where some of the utilities are in need of replacement/repair. Not taking the recommended action will not allow staff to design and construct the upgrades for this road in Old Town.

Recommendation:

The Council should consider authorizing the City Manager to sign a Professional Services Agreement with Ward Engineering Group for consultant services related to the Re-Construction of McHenry Avenue in the amount of \$89,078.

Exhibit - Ward Engineering Group Fee Proposal
Ward Engineering Group Scope of Work

FEE PROPOSAL
McHenry Avenue Re-Construction Design & Construction Management

Hourly Costs

Task	Description	Position	Hours	Rate	Total Cost	Task Subtotal
1	Preliminary Design / Concept Development	Surveyor	20	\$85	\$1,700	
		Field Crew	18	\$120	\$2,160	
		Drafter	20	\$65	\$1,300	
		Design Engineer	115	\$90	\$10,350	
		Project Engineer	60	\$100	\$6,000	
		Project Manager	20	\$105	\$2,100	
		QA/QC	10	\$115	\$1,150	
						\$24,760
2	Final Design	Drafter	40	\$65	\$2,600	
		Design Engineer	60	\$90	\$5,400	
		Project Engineer	20	\$100	\$2,000	
		Project Manager	20	\$105	\$2,100	
		QA/QC	10	\$115	\$1,150	
						\$13,250
3	Bidding Support	Project Engineer	20	\$100	\$2,000	
		Project Manager	10	\$105	\$1,050	
		Const. Manager		\$110	\$0	
		QA/QC		\$115	\$0	
						\$3,050
4	**Construction Support	Site Inspector	192	\$85	\$16,320	
		Project Eng		\$100	\$0	
		Project Manager		\$105	\$0	
		Const. Manager	40	\$105	\$4,200	
						\$20,520
5	Post Construction	Drafter	20	\$65	\$1,300	
		Site Inspector		\$85	\$0	
		Const. Manager		\$105	\$0	
		Project Manager	10	\$105	\$1,050	
		QA/QC		\$115	\$0	
						\$2,350
6	Public Involvement	Public Involvement (V-I-A)			\$14,500	\$14,500
7	Electrical	Electrical and Lighting (BNA)			\$3,320	\$3,320
8	Geotechnical	Geotechnical Investigation (GSH)			\$3,500	\$3,500
Total			705		\$63,930	\$85,250

*No right-of-way retracement or boundary establishment is included.

**Construction support based on 4 months of construction with average of 4 hours/day, 3 days/week.

*** Construction Surveying is not included at this time It proposed that this will be a line item in the contractor's construction bid.

Direct Expenses

Item	Description	Quantity	Rate	Total
1	Mileage	2,880	\$.58/mile	\$3,828.00
2	Other Direct Expenses			\$0.00

Total Project Cost \$89,078.00

ADDENDUM “A”

SCOPE OF SERVICES

Task 1 - Preliminary Design

- Obtain existing base mapping and property ownership information and set controls for construction,
- Determine existing conditions and site constraints which may affect the project, including historic preservation and soil ordinance requirements,
- Coordinate the road and utility design with the Old Town Infrastructure Study (OTIS), draft Storm Water Master Plan, and Traffic and Transportation Master Plan,
- Coordinate with utility companies on their existing facilities,
- Determine feasibility for the installation of sidewalks,
- Determine alternatives with estimate of construction costs,
- Determine impacts to traffic and neighboring property access and potential mitigation measures,
- Prepare a final conceptual design with an estimate of costs. No land acquisitions are anticipated to occur as part of this project,
- Arrange and conduct a preliminary design public meeting,
- Attend meetings with PCMC staff as needed

Task 2 – Design

- Incorporate resolved preliminary design comments into final design,
- Provide geotechnical and subsurface utility investigations,
- Prepare final construction drawings, specifications and periodic updated estimate of construction costs,
- Prepare bidding and contract documents,
- Attend meetings with PCMC staff as needed,
- Arrange and conduct a final design public meeting.

Task 3 - Bidding Support (NTP to Contractor MUST occur by the beginning of May, 2015)

- Provide electronic copies of contract documents for bidding (bid packages will be distributed to contractors on CDs)
- Advertise the bid,
- Arrange and conduct the pre-bid meeting,
- Issue Addendums as required,
- Attend and conduct the bid opening,
- Evaluate submitted bids and make a recommendation,
- Prepare contracts for construction.

Task 4 - Construction Support

- Arrange and conduct a pre-construction conference,
- Provide pre-construction photos/video of the road and homes along McHenry Avenue impacted by the construction,
- Arrange and conduct a public meeting with residents with contractor in attendance,

- Provide construction administration including review of submittals, review of RFIs, verify monthly pay requests, hold and conduct weekly meetings, review, evaluate, negotiate and prepare change orders,
- Provide part time construction observation,
- Provide a monthly construction report to PCMC including daily field reports, testing results, changes, progress, photos, etc.,
- Provide closeout of project including substantial completion and final walk- through, generation of a punch-list and verification of completion, recommendation for final payment to contractor and compilation and submittal of final paperwork.

Task 5 - Post Construction

- Provide records of constructed facilities along with contractor drawings for the preparation of record drawings. Record drawings will be submitted in hard copy form (mylar) and electronically in a GIS format.

Key Elements

The following items are key elements of the project, which will be addressed as part of the scope of services.

- **Narrow Road Width / Project Concept**
Evaluate roadway cross section, parking, drainage facilities, sidewalks, snow removal, trash pickup, pedestrian access, traffic control during construction, etc.).
- **Utilities**
 - The existing waterline will remain in service.
 - The existing ¾-inch gas line will be replaced.
 - Sewer manhole(s) and other potential sewer facilities will be replaced as directed by Synderville Basin Water Reclamation District.
 - Evaluate the need to replace any water meters (including any vacant lots that may exist).
 - Receive direction from City whether or not there will need to be dry conduits constructed. If needed WARD will design and include these with the design.
- **Access**
Control of a vehicle and pedestrian access during construction will be a critical process.
- **Street Lights**
Evaluate street lighting at the intersection and at other specific key locations. Include electrical and lighting design.
- **Storm Drainage**
Evaluate the need for, and design if required storm drain facilities (curb and gutter, underground piping, etc.)

- Intersection Improvements

The intersection at McHenry, Rossie, and Coalition may need some improvement.

WARD will develop preliminary / concept alternatives, addressing cost and feasibility.

Items that we will consider will generally be as follows:

- Consider modifications to approach grade of McHenry Ave.
- Consider geometric modifications to improve function and operation.
- Consider improvements to signage only.
- Consider alternatives to improve drainage.
- Look at existing and available right-of-way.

- Right-of-Way

WARD will complete a topography survey and a plot of the boundaries and right-of-way to determine the widths, locations, and intent of the right-of-way. This will be used to develop the concept plans, cross section, and design approach. However, our scope of work does not include a boundary survey and boundary resolution. Likewise we do not anticipate that right-of-way acquisition will be included within the scope of work.

- Public Involvement

Among other public involvement tasks, two organized public meetings will be scheduled and conducted by WARD and VIA. The first meeting will be mid November. The second meeting will be at 75 percent design.

- City Inspections

We understand that the City may choose to do daily inspections. We will receive direction from the City and provide construction services accordingly if desired.

- Construction Services

Our scope and fee are based on 4 months of construction with an average time spent equal to 4 hours/day, 3 days/week.



City Council Staff Report

Subject: Addendum No. 1 to Zions Bank Public Finance
Professional Service Agreement
Author: Clint McAfee, Water and Streets Director
Department: Water and Streets
Date: October 30, 2014
Type of Item: Administrative

Summary Recommendations:

Staff recommends Council authorize the City Manager to execute the First Addendum to the Professional Service Agreement, in a form approved by the City Attorney, with Zions Bank Public Finance in an amount of \$25,000, for a contract total of \$47,985.

Topic/Description:

Financial Stability - Ensure water fund has sufficient financial resources to cover cost of ongoing operations and maintenance, required improvements, capital renewal programs and economic contingencies

Background:

Staff procured the services of Zions Bank Public Finance (Zions) in December 2013 to complete the Impact Fee Analysis (IFA) as part of the update to the water impact fee and to develop a new financial model for the water fund. This work was to be performed by Zions for an amount not to exceed \$22,985.

The IFA is complete and Council adopted it, along with other documents updating the water impact fee on September 25, 2014.

The financial model is also complete and was used to set the Fiscal Year 2015 water rates and projected future rates. The model was also used to determine the final amount of the 2014 Water Revenue Bond.

The contract with Zions is set to expire on December 19, 2014 and there is approximately \$2,500 of unspent fee out of the original \$22,985. Staff has been very pleased with the work performed by Zions and would like to amend the scope of work to include financial modeling work similar to the original scope of work.

Analysis:

Much like the water system itself, the financial model for the water fund is complicated. The Park City Water Department is funded through an enterprise fund which must raise sufficient revenue each year to pay for operations, capital, debt service, and inter fund transfer obligations while maintaining favorable bond ratings and adequate contingency balances. Current revenue requirements are approximately \$15,000,000 per year and will increase in the future. User fees along with water impact fees and miscellaneous fees make up the majority of revenue in the water fund while the occasional grant

makes up the balance. In order to fund large projects, revenue bonds have been issued and the water fund currently has nine outstanding bonds with many more planned in the future.

In addition to general operational costs such as personnel, utilities, chemicals, etc; bond financing, water agreements, leases, water right purchases, wheeling agreements, and delivery agreements present unique detail and complexity in the long range financial model. Most of these items have various components including costs attributed to fixed and variable operations and maintenance, capital repayment, asset replacement, and contingency funding.

The capital portion of the financial model includes all water capital projects required to serve new growth, resolve existing deficiencies, asset replacement and renewal, mine tunnel maintenance, and equipment. In the five year planning period, using sound engineering judgment and planning, these costs can be estimated with a relatively high degree of certainty. However, long term projects such as infrastructure planning to meet the requirements of the Utah Pollutant Discharge Elimination Systems (UPDES) permits for the Judge and Spiro Tunnels, long range water supply costs, and long range system replacement costs are difficult to accurately estimate in terms of cost and timing. In long range planning, sound engineering work is warped by unknown regulatory requirements; changing growth, economic, and water use patterns; unexpected asset deterioration; extreme and changing climate conditions; missing data; and many other factors.

Maintaining and continuously updating a comprehensive financial model is essential to the success of meeting the Water Department's goal of financial stability and security. Poor financial planning could place the Water Department in a position where critical components of the City's infrastructure could not be maintained at a level to adequately protect human health and the quality of life offered in Park City. An accurate and up to date financial model will allow staff to recommend annual rates and bonding amounts while ensuring the long term financial health of the water fund.

Other financial modeling tasks that will be completed include scenario planning for the Judge and Spiro UPDES permits, future water supply, and other large capital and operational costs. Sensitivity analysis and affordability work will also be critical when evaluating the effect of these large financial impacts to the water fund and will help guide decisions on timing and selection of future projects.

To ensure accurate and timely financial modeling and analysis, staff is recommending that Zions' scope of work be amended to include as needed financial modeling assistance on a time and materials basis. The proposed team from Zions is identical to the team that completed the IFA and created the financial model and consists of a Principal Manager and an Assistant. Based on experience with the proposed team, staff is confident that the Water Department's financial modeling needs will be met by amending Zions scope of work. This small team will act as an extension of staff when needed under the direction of the Water and Streets Director.

Department Review:

This staff report has been reviewed by representatives from Public Works, Legal, Budget, and Executive.

Alternatives:**A. Approve:**

Staff recommends this option.

B. Deny:

Staff does not recommend this option. Financial modeling is critical to the success of the Water Department.

C. Modify:

Council could ask for modifications to the Scope of Work which staff would bring back at a later date.

D. Continue the Item:

Council could continue the item.

E. Do Nothing:

Staff does not recommend this option. Financial modeling is critical to the success of the Water Department.

Significant Impacts:

	Preserving & Enhancing the Natural Environment (Environmental Impact)	Responsive, Cutting- Edge & Effective Government
Which Desired Outcomes might the	+ Adequate and reliable water supply	+ Fiscally and legally sound
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Very Positive 	Very Positive 
Comments:		

Funding Source:

Funding for this work is part of the approved FY 15 water operations budget.

Consequences of not taking the recommended action:

The financial health of the water fund would be put at risk by not maintaining a detailed and accurate financial model. Poor financial planning could result in the need to delay or eliminate critical operational and capital projects would could affect public health and the quality of life in Park City.

Recommendation:

Staff recommends Council authorize the City Manager to execute the First Addendum to the Professional Service Agreement, in a form approved by the City Attorney, with Zions Bank Public Finance in an amount of \$25,000, for a contract total of \$47,985.

Exhibits:

A – Scope of Work

EXHIBIT A: SCOPE OF SERVICES

Overview of Proposed Work

Zions Bank Public Finance will provide services related to financial modeling for the Park City Water Fund. Examples of services include water demand sensitivity analysis, modeling financial impacts, forecast the sizing and timing of future bonds, monitoring key rating agency metrics, and rate needs for various Capital Improvement Project scenarios and other major procurement needs. All analysis will lead to a projection of annual water rate revenues. The value of an ongoing update to the financial model is in the ability to quickly test scenarios and evaluate the impacts of variables and forecasts.

General Project Objectives/Deliverables

Zions proposes the following items be done in this model update:

- Continue to utilize information and analysis previously generated in the current model to the fullest extent possible to avoid recreating data and analytics that already exist or are well understood
- Work very closely with City staff to ensure that the outcomes are tailored to the needs of the City and are useful given the City's needs
- Ensure that model is updated accurately and with minimal user efforts given changes in assumptions such as projects, bonding, cash targets, debt coverage ratios, inflation, growth, etc.
- Summarize complex tables in a more simple form for understanding and readability
- Provide clear presentation of methodology, assumptions, and other factors to City staff as updates are completed

COST PROPOSAL

Zions will only bill for actual time incurred on a time and materials basis not to exceed the contract amount. Hourly billing rates for Zions staff are included below.

ZIONS BANK PUBLIC FINANCE		
Hourly Billing Rates		
Vice-President	Analyst	Clerical
\$105	\$80	\$65

PROJECT SCHEDULE

Project will be ongoing. Zions will provide services on an as needed basis and will not conduct work unless authorized by Park City.



City Council Staff Report

Subject: Deer Valley Drive, Phase 2
Beautification Project
Author: Matt Cassel
Department: Engineering
Date: October 30, 2014
Type of Item: Administrative

Summary Recommendations:

The Council should consider authorizing the City Manager to execute Contract Amendment No. 2 to the Professional Service Contract with Ward Engineering Group for engineering design and bidding services in the amount of \$22,099 for the Deer Valley Drive Phase 2 Project.

Topic/Description:

Through the Small Urban Fund program, Park City was granted \$1,000,000 to be used for infrastructure improvements to Deer Valley Drive. This work, designated as Deer Valley Drive, Phase 1, was completed in the fall of 2013. Council approved \$950,000 during the FY 14 budget process for a second phase to this project to address improvements, which help to beautify the corridor and address numerous improvements requested from a 2004 request for elevated level of service (RELS) process from the neighborhood. This design was completed and advertised for bid in June of 2014. One bid was received which was \$1,169,900. The City consultant's construction estimate was \$815,519. The decision was made to reject the bid and to re-bid during the peaking bidding season, which is January to March.

This amendment to Ward Engineering Group's contract is for the additional resources provided during the design of the project and for the resources necessary to re-bid the project this winter.

Background:

The Deer Valley Drive Phase 1 project included repair and lining of the existing collapsed storm drain, replacement of sections of the gas line (work and design performed by Questar Gas), replacement of the existing distribution water line, pedestrian modifications at the round-about, left turn lane at the intersection of Deer Valley Drive and Deer Valley Drive North, bus pullouts, speed limit feedback signs, pedestrian lighting and sidewalks from the round-about to the intersection of Deer Valley Drive and Sunnyside Drive, updated signage and road resurfacing.

This Deer Valley Drive Phase 2 proposed project is proposed to include:

- Additional pedestrian lighting (from Sunnyside to Snow Park Lodge);
- Consistent sidewalks throughout the corridor;
- Crosswalks,
- Bus stop amenities,

- Cleaning of the creek,
- Minor landscaping improvements along the corridor,
- Entry feature near the intersection of Deer Valley Drive and Deer Valley Drive north,
- Bridge façade restoration,
- Fiber optic conduit from Sunnyside to Snow Park,
- Addition of bus pullouts at Greyhawk and Foxglove condominiums, and
- Removal of the electrical box at the split

Deer Valley is one of the two major economic generators in Park City and should be seen as a partner. Adding elements to strengthen their entry statement and sense of arrival, providing safe, lighted pedestrian connectivity to Snow Park Lodge and further transit amenities should enhance the experience of their guest and minimize vehicular impacts. This project will help to beautify this corridor along with creating an entry statement as visitors drive toward Deer Valley Resort.

Analysis:

This analysis details the changes to Ward Engineering Group's contract, discusses the schedule and summarizes the budget available.

Ward Engineering Group was awarded the professional service contract on December 12, 2013 to provide design, bidding services, construction engineering management services and post construction services for the Deer Valley Drive Phase 2 Project. Ward Engineering Group's original fee was \$129,867.

Amendment No. 1 to the contract with Ward Engineering Group for additional preliminary design work and re-design work was approved on May 24, 2012. Their fee for this Amendment No. 1 was 9,320.

This Amendment No. 2 to the contract with Ward Engineering Group is for the following items:

- Additional meetings – Over the course of the preliminary and final design phases of the project, numerous additional meetings with staff, Greyhawk HOA, Deer Valley and project material suppliers were held. The cost for these additional meetings was \$6,127,
- Additional electrical and lighting services – As lighting in the area was being designed, staff directed the electrical engineer to provide additional coverage maps, exhibits and costs to help make lighting decisions. The cost for these services is \$1,200,
- Additional architectural services – Staff requested additional alternatives and renderings for project features to help the decision making. The cost for these additional services was \$3,272,
- Additional cost to prepare the contract documents – The contract package will be updated and reformatted to reflect the re-bidding of the project. Changes

include addressing issues that arose during the last bidding process, and the prioritization of bid items to maximize the available funds for the project. The cost to prepare the documents is \$6,000,

- Additional coordination with utilities and material suppliers – This item will cover the additional costs to coordinate with Century Link and Qwest and possible material suppliers for the project. The cost of this item is \$1,500,
- Re-bidding the project – This additional cost is for the re-bidding (advertise the bid, hold a pre-bid meeting, answer questions, evaluate bids, etc.) of the project. The cost to re-bid the project is \$3,000, and
- Additional public involvement – Two additional public meetings are anticipated to be held prior to the start of construction. The cost for this additional public involvement is \$1,000.

Ward Engineering's fee for amendment No. 2 is \$22,099. Ward Engineering Group's new total fee for the project including this amendment No. 2 is \$161,286. Staff has reviewed the fees and find them to be reasonable.

Schedule

With approval of this amendment, Ward Engineering Group will have 75 calendar days to make adjustments to the contract package and prepare the project for bidding. The bidding process will begin in late January and will be completed in mid to late March. The goal is to have the contractor under contract in a timely manner so full advantage of the shoulder season can take place.

Project Budget

Approved funding for this project is as follows:

Capital Project cp0176 is the capital account approved for Deer Valley Drive Phase 2. These funds will be used to pay for this addendum. Because of Amendment No. 1 and this Amendment No. 2 to Ward Engineering Group, this project will have \$31,419 less to be used for construction.

Approved budget:	\$950,000
Ward Engineering Group Design and CM Fee:	<u>\$129,867</u>
Funds Available for Construction:	\$820,133
Less Amendment No. 1:	\$ 9,320
Less Amendment No. 2:	<u>\$ 22,099</u>
Funds Available for Construction:	\$788,714

Department Review:

This report has been reviewed by City Manager, Planning, Budget, Public Works, Sustainability, and Legal. All issues have been resolved.

Alternatives:**A. Approve the Request:**

This is the staff's recommendation.

B. Deny the Project:

This would make it difficult for staff to make the changes to the current contract package and have it ready to bid by late January of 2015.

C. Continue the Item

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

D. Do Nothing:

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

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Safe community that is walkable and bike-able + Multi-seasonal destination for recreational opportunities - Internationally recognized & respected brand	Managed natural resources balancing ecosystem needs		+ Well-maintained assets and infrastructure
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Positive 	Positive 	Neutral 	Positive 
Comments:				

The construction of Deer Valley Drive Phase 2 will have much less impacts to the adjacent homeowners and neighborhoods than the first phase of the Deer Valley Drive project. Construction impacts will be addressed through the use of neighborhood meetings and electronic and social media updates throughout the project.

Deer Valley is one of the two major economic generators in Park City and should be seen as a partner. Adding elements to strengthen their entry statement and sense of arrival, providing safe, lighted pedestrian connectivity to Snow Park Lodge and further transit amenities should enhance the experience of their guest and minimize vehicular impacts. This project will help to beautify this corridor along with creating an entry statement as visitors drive toward Deer Valley Resort.

Consequences of not taking the recommended action:

By not doing the project, this beautification and entry statement will not be achieved. Additionally the City will not fulfill the improvements identified through the RELS process by the neighborhood.

Recommendation:

The Council should consider authorizing the City Manager to execute Contract Amendment No. 2 to the Professional Service Contract with Ward Engineering Group for engineering design and bidding services in the amount of \$22,099 for the Deer Valley Drive Phase 2 Project.

Exhibit A – Ward Engineering Group’s Amendment No. 2 Fee and Scope

**Ward Engineering Group**

Planning Engineering Surveying
P.O. 538, Salt Lake City, UT 84110-0538
231 West 800 South, Salt Lake City, UT 84101
Tel. 801.487.8040 • Fax. 801.487.8668

July 15, 2014

Mathew Cassel, P.E.
City Engineer
Park City Municipal Corporation
445 Marsac Ave.
P.O. Box 1480
Park City, UT 84060

**RE: Request for Change Order No. 2
Deer Valley Drive, Phase 2 Design Services**

Mr. Cassel:

Ward Engineering Group (WARD) has completed the design work for the Deer Valley Drive, Phase 2 project. During the course of our design work, we completed a handful of services that we did not anticipate at the time we prepared the original fee proposal, and were beyond the scope of services. We have described the services below, together with the amount we have expended. We appreciate your consideration of these items as a change order request.

Item	Description	Fee
1	Additional Meetings: The original scope of services allocated time for the project manager to attend 9 meetings. In order to properly coordinate the work WARD attended weekly meetings for 6 months with appropriate team members. Additional meetings were also conducted with Deer Valley, the Greyhawk HOA, and project material suppliers such as the timber yards and steel fabrication contractors and vendors.	\$6,127.00
2	Electrical and Lighting: Provide additional iterations to electrical design and coverage maps and exhibits.	\$1,200.00
3	Architectural: Multiple alternatives and renderings for entry feature and preliminary cost estimating of steel monuments.	\$3,272.00
Total Amount		\$10,599.00

In addition to the above tasks, we understand that due to the lack of bidder participation and the lack of funds available to commence with the COP Construction's single bid, the City desires to postpone the project and rebid it sometime during the 2015 construction season. Therefore, WARD proposes the following scope of work and fee to prepare the project for re-bidding, and complete the bidding process

Item	Description	Fee
1	Plan Preparation - Conduct 2 meetings with Park City and Deer Valley to coordinate lighting approach and to address concerns and update to plans. - Update electrical plans. - Update plans and specifications for 6-foot wide sidewalks. - Conduct value engineering with City of Landscape elements, sidewalks, bus sign locations, etc., to determine what reduction of work (if any)	\$6,000.00



City Council Staff Report

Subject: Park City Heights Water Agreement
Author: Clint McAfee, Water and Streets Director
Department: Water and Streets
Date: October 30, 2014
Type of Item: Administrative

Summary Recommendations:

Staff recommends Council authorize the City Manager to execute a Water Agreement by and between Park City and Ivory Homes, in a form approved by the City Attorney.

Topic/Description:

Park City Heights water infrastructure.

Background:

In July of 2010 Park City Municipal and Boyer Park City Junction L.C. entered into a water agreement as co-tenants which outlined a phased and cooperative approach to constructing and funding a water system for the proposed Park City Heights (PCH) development. With certain conditions precedent and outlined in the water agreement, Park City agreed to supply PCH with culinary water for indoor and outdoor use up to 350 gallons per minute peak day demand. The agreement included limitations on water flow rates that would be available for various phases of the development based on constraints of Park City's water system in 2010. When the agreement was signed in 2010, Quinns Junction Water Treatment Plant (QWTP) had just begun construction and was not expected to produce the capacity needed to serve PCH beyond Phase I of the development. Park City's available water storage and pressures also presented limitations on the extent the development could progress without construction of a new water tank with adequate storage and at the appropriate elevation to provide adequate water pressure.

The main infrastructure components required to facilitate development beyond Phase I included the following.

- QWTP completed by the City and capable of producing a minimum of 1,500 gpm
- Construction of distribution and transmission water lines capable of serving the built out development (at 350 gpm)
- Construction of a new water tank
- Pumping upgrades to QWTP to pump water into the new tank
- A backup connection to the Snow Park/Oaks pressure zone

Park City could elect to upsize any portion of these infrastructure components and pay its ratable share based on the upgrade.

In late November of 2011, Ivory Homes succeeded in interest to the interests of Boyer and Park City as co-tenants and became the sole developer of the PCH's project. Due to site challenges, the construction work for the project was put on hold and was not resumed until the summer of 2014.

In the summer of 2012 QWTP was complete and producing adequate capacity to fully supply PCH with up to 350 gpm as outlined in the water agreement.

Analysis:

Due to the many changes outlined above, the water agreement needs to be modified to reflect current conditions of the water system and ownership. The changes to the agreement center around updating the ownership, completion of the QWTP and other infrastructure, and a revised approach to a backup water connection to PCH.

Rather than requiring a connection to the Snow Park/Oaks pressure zone for a backup water supply, staff determined that by requiring the new tank to be constructed at the same elevation of the existing Fairway Hills tank, a backup would be achieved by connecting the Fairway Hills pressure zone with the new PCH pressure zone. The revised water agreement maintains the requirement that the developer provide an easement for a future connection to the Snow Park/Oaks pressure zone to allow future construction of a water line if the City determines that such a connection is necessary.

Other changes to the original water agreement include the requirement that the developer install advanced metering infrastructure. Such infrastructure may include a new radio tower, Sensus base station, and other networking requirements required to conform with the City's existing system.

The ability for the City to upsize certain infrastructure remains including the water tank and the pumping upgrades in the existing QJWTP. Staff will provide a recommendation to Council regarding upsizing the new water tank to provide additional storage to the City outside of the PCH development. Staff has budgeted for a possible upgrade to the tank.

Department Review:

This staff report has been reviewed by representatives from Public Works, Legal, and Executive.

Alternatives:

A. Approve:

Staff recommends this option.

B. Deny:

Staff does not recommend this option. The water agreement clearly defines the responsibilities of Ivory Homes regarding the water system upgrades required as a part of the PCH development.

C. Modify:

Council could ask for modifications to the Scope of Work which staff would bring back at a later date.

D. Continue the Item:

Staff does not recommend this option. The PCH development is currently underway and the responsibilities of Ivory Homes need to be updated.

E. Do Nothing:

Staff does not recommend this option. The water agreement clearly defines the responsibilities of Ivory Homes regarding the water system upgrades required as a part of the PCH development.

Significant Impacts:

	Preserving & Enhancing the Natural Environment (Environmental Impact)	Responsive, Cutting- Edge & Effective Government
Which Desired Outcomes might the	+ Adequate and reliable water supply	+ Fiscally and legally sound
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Very Positive 	Very Positive 
Comments:		

Funding Source:

Budget impacts to the City will only occur if the City elects to upsize infrastructure as outlined in the agreement. However, staff anticipated upsizing certain infrastructure and funding for this work is part of the approved FY 16 CIP budget.

Consequences of not taking the recommended action:

The water agreement outlines responsibilities of Ivory Homes and limitations on the water capacity available to the development. Not updating the water agreement could result in a much less efficient water system and reduce the benefit to the City regarding the potential infrastructure upgrades discussed in the agreement.

Recommendation:

Staff recommends Council authorize the City Manager to execute a Water Agreement by and between Park City and Ivory Homes, in a form approved by the City Attorney.

Exhibits:

A – Updated Water Agreement

WATER AGREEMENT BY AND BETWEEN PARK CITY AND IVORY HOMES

This WATER AGREEMENT (the "Agreement") is made and entered into as of the ____ day of _____, 20104, by and between PARK CITY MUNICIPAL CORPORATION, a political subdivision of the State of Utah and PARK CITY WATER SERVICE DISTRICT, a special service district organized and existing pursuant to the provisions of Utah Code Annotated 17A-2-1301 et seq., 1953, as amended- ~~(together referred to as the "Park City" or individually as "Park City Municipal" or "Park City Water");~~ and IVORY HOMES ("Ivory") ~~Boyer Park City Junction L.C. ("Boyer"),~~ (individually, a "Party" and, collectively, the "Parties."); ~~The City is also a "Co-Tenant" with Boyer for the purposes of developing the Project, as described herein, and will be referred to as "Co-Tenant" as needed.~~

RECITALS

A. ~~Boyer Park City Junction L.C. and City, Co-Tenants, each Ivory~~ owns certain real property located in Summit County, State of Utah, as more particularly described and shown in attached Exhibit "A" (the "Property"); and

B. ~~Co-Tenants Ivory Developer~~ intends to improve the Property in phases, as described below, for residential development (the "Project"), which is within the Park City Heights subdivision ("PCH"); and

C. Park City Municipal ~~The Parties have~~ entered into an Annexation Agreement, dated July 2, 2010, (the "Annexation Agreement"), as a Co-Tenant with Boyer Park City Junction L.C. ("Boyer") and on May 27, 2010 under which the Park City Municipal, acting as a municipal government, annexed the Property into the corporate limits of the City and agreed to extend municipal services to the Property and the Project; and

D. Under the Annexation Agreement, Park City Municipal and Boyer Park City Junction L.C., as co-tenants, ~~the Parties~~ agreed to enter into at this separate Water Agreement for the purpose of implementing Section 9 of the Annexation Agreement relating to, among other matters, the design and construction of and payment for the "Water Delivery System," as defined in this Water Agreement; ~~and as may be further defined in any future written agreement addressing that defined term;~~

E. On or about November 23, 2011, Ivory succeeded in interest to the interests of Boyer Park City Junction L.C. and Park City Municipal, as co-tenants, and became the sole developer of the Project.

F. All interest held by Park City Municipal as a co-tenant terminated on or about November 23, 2011 and all references in this Agreement to Park City Municipal, individually or collectively with Park City Water, shall refer to Park City Municipal as a municipal government;

F. Ivory desires to enter into this Water Agreement with Park City to accomplish the design and construction of the Water Delivery System as designed herein;

NOW, WHEREFORE, in consideration of the terms and conditions of this Agreement, as well as the mutual benefits to be derived from those terms and conditions, the Parties agree as follows:

AGREEMENT

1. Water Delivery System and Project Peak Daily Demand. The Parties agree to cooperate in the construction of a Water Delivery System, as defined in this Water Agreement, which will be adequate to meet the water demand of the Project, as phased, ~~while also providing additional capacity to Park City the City for the delivery of water to customers outside of the Property.~~ ~~The Park~~ City shall and subject to the terms of the Water Agreement and the Annexation Agreement hereby agrees to provide culinary water and irrigation water sufficient to meet the projected peak daily water demand for the use and development of the Project as phased, subject to the terms and restrictions contained in, or as may be adopted as part of, the Water Code, Title 13 of the Municipal Code of Park City, including emergency and drought restrictions. The Water Delivery System shall also be capable of delivering water at flows and pressures meeting the requirements of R309-105-9 of the Utah Department of Environmental Quality Rules for Public Drinking Water Systems, as amended. The Parties understand, acknowledge and agree that the peak daily water demand for the Project shall not exceed 350 gallons per minute and that allowable residential density for Market Units and Affordable Unit Equivalents (AUEs) is set forth in the Annexation Agreement. Phase I shall not exceed ninety (90) Unit Equivalents as described below. Except as otherwise specified in this Water Agreement or the Annexation Agreement, or any future written agreement, ~~Parkthe~~ City shall have no further obligation to provide any water, water rights, source capacity and/or infrastructure to the Project or the Property.
2. Initial Certificates of Occupancy.
 - a. Initial Building Permits. ~~Co-TenantsDeveloper agrees~~ ~~The Parties acknowledge~~ that the Project may be developed in phases. ~~The Parties understand and agree that City is in the process of designing and constructing a water treatment plant. If the first phase of development ("Phase 1") is prior to the plant becoming operational,~~ ~~Co-TenantsIvory Developer agrees~~ that Phase I of the Project shall be limited to a maximum of one-hundred eighty-thousand (180,000) square feet of residential development and that Phase I shall not exceed the lesser of ninety (90) Unit Equivalents, or ninety-thousand (90,000) gallons per day of demand. The Phase I service area shall be limited to locations and elevations serviceable off of the Boot Hill Pressure Zone. ~~IvoryDeveloperCo-Tenants~~ shall provide a hydraulic model which will delineate the development boundaries of the Project.
 - b. Subsequent Phases. ~~Co-TenantsIvoryDeveloper~~ understands and agrees that City is unable to ~~provide adequate pressures meet the water demand~~ beyond Phase I of the Project without ~~the new Culinary Water Tank described in this Aagreement. the Quinn's Junction Water Treatment Plant (Quinn's WTP) being operational and~~

~~capable of increasing City's water source capacity by a minimum of one thousand five hundred gallons per minute (1,500 gpm). Co-Tenants further understand and agree that City anticipates the Quinn's WTP will be operational and capable of increasing City's water source capacity by a minimum of one thousand five hundred gallons per minute (1,500 gpm) on or about October 14, 2011. Accordingly, IvoryDeveloperCo-Tenants understands and agrees that Park City will not issue a temporary or permanent certificate of occupancy to any development beyond Phase I of the Project prior to the date on which the infrastructure as defined in Section 3 of this agreement is complete and Quinn's WTP is operational, and capable of increasing City's water source capacity by a minimum of one thousand five hundred gallons per minute (1,500 gpm);~~

~~c. Upon the Quinn's WTP being operational and capable of increasing City's water source capacity by a minimum of one thousand five hundred gallons per minute (1,500 gpm), the limitation in paragraphs 2(a) and 2(b) shall not apply.~~

3. Water Delivery System Infrastructure. ~~Co-TenantsDeveloper~~ shall provide as-built drawings of the infrastructure identified below and GPS coordinates for all water surface features. ~~Park The City Water Department~~ shall have access to the construction sites at all times.

a. Phase I Infrastructure. ~~Concurrent with the construction of Phase I, Park The City has shall design and constructed~~ a water transmission line that ~~will runs~~ parallel to water lines included in the Rail Trail Water Lines Project from the Quinn's WTP to a point that is approximately 2,600 feet in a southwesterly direction from the intersection of the Rail Trail and Richardson Flat Road. This point is near the existing dirt road south of the Rail Trail and Silver Creek. ~~This segment of the transmission line will be constructed as a part of the Rail Trail Water Lines Project during the summer and fall of 2010.~~ This segment of the transmission line ~~will also~~ includes a connection to the Fairway Hills Pressure Zone with a backup connection to the Boot Hill Pressure Zone, including all valves, vaults, and appurtenances. Phase I service area shall be limited as defined in Paragraph 2(a) of this Agreement. ~~Co-TenantsDeveloper Ivory~~ shall design and construct an extension from the transmission line to the upper end of the Phase I distribution system. The transmission line will be designed with adequate pressure and flow capacity such that it can be extended as a part of Phase II to the Culinary Water Tank (as defined in Paragraph 3(b) of this Agreement). ~~and the existing Snow Park Pressure Zone.~~ Phase I shall also include water distribution lines to Phase I together with all required valves and other appurtenances.

b. Culinary Water Tank. Concurrent with the construction of Phase II, ~~DeveloperCo-Tenants Ivory~~ shall design and construct a Culinary Water Tank, together with all required transmission lines, valves, valve vaults, access roads, and other appurtenances, within the Property, subject to ~~Park~~ City's approval. The overflow elevation of the new Culinary Water Tank shall be at the same elevation as the Park City's existing Fairway Hills culinary water tank. The purpose of the Culinary

Water Tank is to provide fire suppression and operational storage for the Project. ~~IvoryDeveloperCo-Tenants~~ agrees to upsize the Culinary Water Tank at the request of ~~Parkthe~~ City. ~~ParkThe~~ City agrees to pay all costs associated with the upsizing as provided in Paragraph 4(b) below.

- c. Culinary Water Pump Station (Park City Heights Pump Station). Concurrent with the construction of Phase II, ~~Park City Co-Tenants~~ shall design and construct, and IvoryDeveloper shall reimburse Park City for its expenses for design, construction, permitting, and startup, a Culinary Water Pump Station complete within the Quinn's WTP, together with all required pumps, mechanical piping, valves, valve vaults, SCADA, VFD's, soft starts, and other appurtenances, relating to the Park City Heights Pump Station. The Quinn's WTP has been designed to provide the space for the future addition of this pump station. The purpose of the Park City Heights Pump Station is to deliver water to the Culinary Water Tank and the ~~Fairway HillsSnow Park~~ Zone. The Park City Heights Pump Station shall be upsized as provided in Paragraph 4(c) of this Agreement.
- d. Culinary Water Distribution Line. Concurrent with the construction of Phase II, ~~Developer Co-Tenants Ivory~~ shall design and construct a Culinary Water Distribution Line, together with all required, valves, and other appurtenances, for the purpose of conveying culinary water from the Culinary Water Tank to the entire Project. ~~At this time, the connection to the Boot Hill and Fairway Hills Pressure zones shall be terminated and abandoned.~~ The design and construction of the water distribution line shall be subject to Park City's approval. The Culinary Water Distribution Line shall be upsized as provided in Paragraph 4(d) of this Agreement.
- e. Culinary Water Transmission Line. Concurrent with the construction of Phase II, ~~Ivory DeveloperCo-Tenants~~ shall design and construct a culinary water transmission line extension from Phase I, together with all required pumps, valves, and other appurtenances, for the purpose of conveying treated water from the Quinn's WTP to the Culinary Water Tank. Once infrastructure in Section 3 of this agreement is operational, the connection to the Boot Hill and Fairway Hills Pressure zones shall be terminated and abandoned at the City's sole discretion. The Culinary Water Transmission Line shall be upsized as provided in Paragraph 4(e) of this Agreement.
- e. ~~Advanced Metering Infrastructure.~~ Concurrent with Phase I, ~~DeveloperIvory~~ shall provide the necessary infrastructure to provide for two-way remote read coverage at the Property. Park City shall have sole discretion and approval authority of the required infrastructure, which This will requireinclude, but not be limited to, a new Tower, Sensus base station, and network backhaul. It is anticipated that this infrastructure will be installed at the Solamere Tank above the Property.
- f. ~~Snow Park Oaks Water Transmission Line.~~ Concurrent with the construction of Phase II, ~~Co-Tenants~~ shall design and construct the ~~Snow Park Oaks Water Transmission Line,~~ together with all required pumps, valves, and other

~~appurtenances, for the purpose of conveying water from the Snow Park pressure zone to the Water Delivery System. The design and construction of the water transmission line shall be subject to City's approval. The Snow Park Oaks Water Transmission Line shall be upsized as provided in Paragraph 4(f) of this Agreement.~~

4. Cost of Water Delivery System. The Parties agree that, pursuant to the terms of the Annexation Agreement and this Water Agreement:

~~g.a.~~ Phase I Infrastructure. ~~Co-Tenants shall reimburse the City for the full cost of the design and construction of the water transmission line that will run parallel to water lines included in the Rail Trail Water Lines Project from the Quinn's WTP to the existing dirt road south of the Rail Trail and Silver Creek within thirty days of approval by the City Engineer. Co-Tenants~~ Developer Ivory shall pay all costs associated with the design and construction of the transmission extension from the existing transmission line to the upper end of the Phase I Culinary Water Distribution Line, as described in Paragraph 3(a) of this Agreement, and all related pumps, valves, and other appurtenances.

~~h.b.~~ Culinary Water Tank. ~~Co-Tenants~~ Developer Ivory shall pay all costs associated with the design and construction of the Culinary Water Tank and all related pumps, valves, pipes, security, access roads, re-vegetation, slope stability, and electrical service extensions. If Park City elects to upsize the Culinary Water Tank, Park City shall pay ~~Ivory the Developer~~ Co-Tenants its ratable share of the costs of the Culinary Water Tank within thirty (30) days of approval by the City Engineer, following request for inspection pursuant to the Subdivision Ordinance and associated public improvement guarantee. Park ~~The~~ City's ratable share shall be determined during the design process based on gallons of storage required for the City divided by the sum of the gallons of storage required for the Project plus the gallons of storage required for Park the City. By way of example, if Park the City upsizes the tank by 500,000 gallons and the Developer Co-Tenants requires 450,000 gallons for the Project, the City's ratable share would be 52.6% of only the Water Tank.

~~i.c.~~ Culinary Water Pump Station (Park City Heights Pump Station). ~~Ivory Developer~~ Co-Tenants shall reimburse City for its ratable share of the costs of the design and construction of the Park City Heights Pump Station within thirty days of approval by the City Engineer. ~~Ivory Developer~~ Co-Tenants's ratable share shall be determined during the design process based on horsepower (HP) required for the Project divided by the total horsepower required with Park the City's upsize. By way of example, if Ivory Developer Co-Tenants requires 40 HP for the Project and Park the City's upsized pump station requires 100 HP, Ivory's Developer Co-Tenants' ratable share would be 40%.

~~j.d.~~ Culinary Water Distribution Line. ~~Ivory Developer~~ Co-Tenants shall pay all costs associated with the design and construction of the Culinary Water Distribution Line

and all related pumps, valves, and other appurtenances. Within thirty (30) days of the completion of the Culinary Water Distribution Line, the Parties shall determine the incremental costs incurred by ~~IvoryDeveloperCo-Tenants~~ over and above the cost of having designed and constructed the required Project size determined during design (minimum of eight (8) inch) culinary transmission line. The incremental cost increase of the actual Culinary Water Distribution Line, which the Parties understand and agree may be larger than the required Project size (minimum of eight (8) inches), shall represent Park City's ratable share of the cost of design and construction of the Culinary Water Distribution Line. Park City shall reimburse ~~IvoryDeveloperCo-Tenants~~ ~~its~~their ratable share of the costs of the Culinary Water Distribution Line within thirty (30) days of Park City accepting the Culinary Water Distribution Line by ordinance.

~~k.e.~~ Culinary Water Transmission Line. ~~IvoryDeveloperCo-Tenants~~ shall pay all costs associated with the design and construction of the Culinary Water Transmission Line and all related pumps, valves, and other appurtenances. Within thirty (30) days of the completion of Culinary Water Transmission Line, ~~Ivorythe DeveloperCo-Tenants~~ and Park City shall determine the incremental costs incurred by ~~IvoryDeveloperCo-Tenants~~ over and above the cost of having designed and constructed the required culinary water transmission line size as determined during design (minimum of ~~eight-twelve~~ (812) inch). The incremental cost of the actual Culinary Water Transmission Line, which the Parties understand and agree may be larger than the required Project size (minimum of ~~eight-twelve~~ (812) inches), shall represent Park City's ratable share of the cost of design and construction of the Culinary Water Transmission Line. Park City shall reimburse ~~IvoryDeveloperCo-Tenants~~ ~~its~~their ratable share of the costs of the Culinary Water Transmission Line within thirty (30) days of approval by the City Engineer, following request for inspection pursuant to the Subdivision Ordinance and associated public improvement guarantee. No costs in excess of the estimated cost of construction used for the public improvement guarantee shall be part of Park the-City's reimbursement unless approved in advance and in writing by Parkthe City.

~~l.f.~~ Advanced Metering Infrastructure. Park City shall identify and purchase procure and pay all costs for the-needed-equipment needed for advanced metering and IvoryDeveloper shall reimburse thePark City for 100% of these-costs associated with the procurement and purchase. DeveloperIvory shall obtain secure-any-needed all permits andor approvals from Park City or other regulatory agencies needed for the installation of the Tower and Sensus base station. It is anticipated a Conditional Use Permit for the Tower and-building-permit will be required, at a minimum. The Park City or the Sensus vendor, at Park City's direction, -or City shall install the Tower, Sensus base station, and network backhaul and .-The Develop Ivory shall reimburse the Park City for 100% of costs associated with the installation.for this expense.

~~m.g.~~ Snow Park-Oaks Water Transmission Line. Co-Tenants shall pay all costs associated with the design and construction of the Snow Park-Oaks Water

~~Transmission Line and all related pumps, valves, and other appurtenances. Within thirty (30) days of the completion of Snow Park Oaks Water Transmission Line, the Parties shall determine the incremental costs incurred by Co-Tenants over and above the cost of having designed and constructed the required transmission line size as determined during design (minimum of eight (8) inch). The incremental cost increase of the actual Snow Park Oaks Water Transmission Line, which the Parties understand and agree may be larger than the required Project size (minimum of eight (8) inches), shall represent City's ratable share of the cost of design and construction of that line. City shall pay Co-Tenants their ratable share of the costs of the Snow Park Oaks Water Transmission Line within thirty (30) days of approval by the City Engineer, following request for inspection pursuant to the Subdivision Ordinance and associated public improvement guarantee. No costs in excess of the estimated cost of design and construction used for the public improvement guarantee shall be reimbursed unless approved in advance and in writing by the City.~~

~~n.h.~~ Incremental costs as defined by this section shall include the incremental cost of design and construction associated with inches of increased trench width from upsizing the tanks, pumps, or pipe diameter, including any incremental additional backfill, excavation, haul off, and import of suitable backfill, and the incremental material costs.

~~4.5.~~ Specifications of Water Delivery System. Subject to the terms and conditions of the Annexation Agreement and this Water Agreement or as otherwise agreed in writing ~~Ivoryg, Developer~~ Co-Tenants shall submit all required plans and specifications to Park City for approval and, thereafter, shall construct and install such approved Water Delivery System within the Project subject to the terms of this Water Agreement.

~~6.~~ Conveyance of Easements. ~~Ivory Co-TenantsDeveloper~~ shall convey such easements to Park City as needed, concurrent with recordation of the final subdivision plat for Phase I, for the location of infrastructure as defined in the Annexation Agreement and this Water Agreement. ~~Ivory Co-TenantsDeveloper~~ agrees that all easements conveyed for these purposes shall be in accordance with the limitations and conditions of ~~Parkthe~~ City-approved utility plan. ~~IvoryDeveloper~~ shall convey such easements to Park City as needed for future infrastructure for the Snow Park – Oaks Water Transmission Line, together with all required pumps, valves, and other appurtenances, for the purpose of conveying water from the Snow Park pressure zone to the Water Delivery System.

~~5.7.-~~

~~6.8.~~ Conveyance of Property. ~~IvoryDeveloper Co-Tenants~~ shall convey its interest in property in fee to Park City within the PCH annexation boundary, as needed and as approved by ~~Parkthe~~ City, for the location of the Culinary Water Tank, provided that such conveyance and location does not diminish (i) the densities described in the Annexation Agreement, or (ii) the ability to secure Master Planned Development approvals and permits related to such densities. ~~IvoryDeveloper Co-Tenants~~ agrees that

all property conveyed for these purposes shall be free from financial liens and other encumbrances.

7.9. Miscellaneous. The Parties further agree as follows:

- a. **Binding Terms; Entire Agreement.** The terms, covenants and conditions herein contained shall be binding upon and inure to the benefit of the successors, transferees and assigns of the Parties. This Agreement and the exhibits attached hereto constitute the entire agreement among all the Parties hereto with respect to the subject matter hereof, incorporates all prior agreements, and may only be modified by a subsequent writing duly executed by the Parties. [This Agreement replaces the 2010 Water Agreement in its entirety.](#)
- b. **No Public Dedication.** Nothing contained in this Agreement shall, or shall be deemed to, constitute a gift or dedication of any part of the PCH Property to the general public or for the benefit of the general public or for any public purpose whatsoever, it being the intention of the Parties that this Agreement will be strictly limited to and for the purposes expressed herein.
- c. **Waivers.** No waiver of any of the provisions of this Agreement shall constitute a waiver of any other provision, whether or not similar, nor shall any waiver be a continuing waiver. Except as expressly provided in this Agreement, no waiver shall be binding unless executed in writing by the Party making the waiver. Any Party may waive any provision of this Agreement intended for its benefit; provided, however, that any such waiver shall in no way excuse any other Party from the performance of any of its other obligations under this Agreement.
- d. **Interpretation; Recitals.** This Agreement shall be interpreted and construed only by the contents hereof and there shall be no presumption or standard of construction in favor of or against any Party. The recitals stated above and the exhibits attached to this Agreement shall be and hereby are incorporated in and an integral part of this Agreement by this reference.
- e. **Governing Law; Captions.** This Agreement shall be construed and enforced in accordance with, and governed by, the law of the State of Utah. The captions in this Agreement are for convenience only and do not constitute a part of the provisions hereof.
- f. **Applicability.** If any term or provision of this Agreement or the application of it to any person, entity or circumstance shall to any extent be invalid and unenforceable, the remainder of this Agreement or the application of such term or provision to persons or circumstances other than those as to which it is invalid or unenforceable shall not be affected thereby, and each term and provision of this Agreement shall be valid and shall be enforced to the extent permitted by law.

- g. Authority; Further Assurances. Each Party hereto represents and warrants that it has the requisite corporate power and authority to enter into and perform this Agreement and that, to their respective, current, actual knowledge, the same will not contravene or result in the violation of any agreement, law, rule, or regulation to which any such Party may be subject. Each Party to this Agreement shall use reasonable efforts and exercise reasonable diligence to accomplish and effect the transactions contemplated and, to that end, shall execute and deliver all such further instruments and documents as may be reasonably requested by the other Party in order to fully carry out the transactions contemplated by this Agreement.
- h. No Third Party Beneficiaries. Nothing in this Agreement is intended to or shall create an enforceable right, claim or cause of action by any third person, entity or party against any Party to this Agreement.
- i. Counterparts; No Recording. This Agreement may be executed by facsimile and in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. This Agreement may not be recorded in the official real estate records of Summit County, Utah, or elsewhere, without the express, written consent of the Parties.
- j. Force Majeure. If any Party is delayed or prevented from performance of any act required hereunder by reason of a “force majeure” event, and such Party is otherwise without fault, then performance of such act shall be excused for the period of the delay. For purposes of this Agreement, “force majeure” shall mean any delay caused by acts of nature or the elements, acts of terrorism, weather, avalanche, fire, earthquake, flood, explosion, war, invasion, insurrection, riot, malicious mischief, vandalism, including without limitation, except with respect to the City, governmental or regulatory action or inaction, beyond the control of the Party claiming “force majeure” or any other person or entity delayed.
- k. Notices. Unless otherwise designated in writing, all notices, demands and other communications under this Agreement shall be in writing and mailed by first class registered or certified mail, postage prepaid, sent by receipted hand delivery, sent by nationally-recognized, overnight courier, sent by confirmed facsimile and, in any case, shall be addressed as set forth in the Annexation Agreement for each such Party (or their legal counsel).
- l. Relationship of Parties; Limitation of Liability. Nothing herein contained shall be deemed or construed as creating a relationship of principal and agent, partnership or joint venture among the Parties, or any of them, it being agreed that neither any provision contained herein, nor any acts of the Parties hereto, shall be deemed to create any relationship between the Parties except as otherwise specified in this Agreement.

m. Remedies Cumulative; No Waiver; Injunctive Relief. The various rights and remedies herein contained and reserved to each of the Parties shall not be considered as exclusive of any other right or remedy of such Party, but shall be construed as cumulative and shall be in addition to every other remedy now or hereafter existing at law, in equity, or by statute. No delay or omission of the right to exercise any power by any Party shall impair any such right or power, or be construed as a waiver of any default or as acquiescence therein. Further, the Parties agree and acknowledge that a non-defaulting Party may not have an adequate remedy at law by reason of any breach of default of the terms or conditions of this Agreement and, as such, the non-defaulting Party shall be entitled to injunctive or similar relief from any breach or anticipated or threatened breach of this Agreement by the defaulting Party, in addition to and without waiver of any other remedies available at law or in equity.

| DATED as of the ____ day of _____, 2019⁴.

[Signatures on following page]

PARK CITY MUNICIPAL CORPORATION,
A political subdivision of the State of Utah

By: _____
Jack Thomas~~Dana Williams~~, Mayor

Dated this _____ day of _____, 20140.

ATTEST:

Marci Heil~~Janet Scott~~, City Recorder

Dated this _____ day of _____, 20140

APPROVED AS TO FORM:

Thomas A. Daley, Sr., Deputy City Attorney

Dated this _____ day of _____, 20104.

PARK CITY WATER SERVICE DISTRICT,
A special service district.

By: _____
Jack Thomas, Chairman

Dated this _____ day of _____, 2014.

ATTEST:

Marci Heil, City Recorder

Dated this _____ day of _____, 2014

APPROVED AS TO FORM:

Thomas A. Daley, Sr., Deputy City Attorney

Dated this _____ day of _____, 20104.

~~BOYER PARK CITY JUNCTION, L.C.~~

~~A Utah liability company, by its manager~~

~~The Boyer Company, L.C.,~~

~~A Utah limited liability company~~

IVORY HOMES

By: _____

Name: _____

Its: _____

Dated this _____ day of _____, 20104

Exhibit A- Annexation plat



City Council Staff Report

Subject: Resolution – Extra Mile Day
Author: Marci S. Heil, City Recorder
Department: Executive
Date: October 30, 2014
Type of Item: Administrative

Summary Recommendations:

Approve the Resolution proclaiming November 1, 2014 as Extra Mile Day in Park City, Utah

Background:

The Mayor's Office was contacted by Christine Ott, Director of Media and Public Outreach for Extra Mile America. The idea for Extra Mile Day started in 2009 when Shawn Anderson created the Extra Mile America Tour, a cross country bicycle tour and inspirational outreach event. This year, the mission continues...and builds. With a 100% volunteer staff, Extra Mile America is unwavering in its commitment to remind individuals and organizations that creating positive change is not just a water cooler topic, but it is unselfishly tied to go-the-extra-mile action. We continue to be an organization that casts a bright light on the "*Extra Mile Heroes*" and change-makers who surround us and who continue to give their best.

Extra Mile Day has grown from 23 participating cities in its inaugural year, to 228 in 2011, to 362 in 2012, to 444 in 2013...and this year, a goal of 500 cities has been set. Extra Mile cities can be found at <http://www.ExtraMileAmerica.org>.

Department Review:

Legal and Executive Departments

Alternatives:

A. Approve:

This is staff's recommendation

B. Deny:

Not Recommended

C. Modify:

Council option

D. Continue the Item:

Council option

E. Do Nothing:

Not recommended

Funding Source:

There is no membership fee or other commitments associated with this Resolution

Recommendation:

Approve the Resolution proclaiming November 1, 2014 as Extra Mile Day in Park City, Utah

Resolution No. -14

RESOLUTION DECLARING NOVEMBER 1, 2014 AS “EXTRA MILE DAY”

WHEREAS, Park City, Utah is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively “go the extra mile” in personal effort, volunteerism, and service; and

WHEREAS, Park City, Utah is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and

WHEREAS, Park City, Utah is a community which chooses to shine a light on and celebrate individuals and organizations within its community who “go the extra mile” in order to make a difference and lift up fellow members of their community; and

WHEREAS, Park City, Utah acknowledges the mission of Extra Mile America to create 400 Extra Mile cities in America and is proud to support **“Extra Mile Day” on November 1, 2014.**

NOW THEREFORE, the Mayor and City Council of Park City, Utah do hereby proclaim November 1, 2014 to be Extra Mile Day. We urge each individual in the community to take time on this day to not only “go the extra mile” in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

PASSED AN ADOPTED this ____ day of October, 2014

PARK CITY MUNICIPAL

Attest:

Mayor Jack Thomas

Marci S. Heil, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

City Council Staff Report



Subject: Round Valley Park City Annexation and Zoning
Date: October 30, 2014
Author: Kirsten Whetstone
Project #: PL-13- 01857
Type of Item: Legislative- Annexation and Zoning Map amendment

SUMMARY RECOMMENDATION

Staff recommends City Council review the annexation and zoning petition and staff report for the Round Valley Park City Annexation and Zoning, conduct a public hearing, and consider approving the Round Valley Park City Annexation and the Zoning Map amendment in accordance with the attached Ordinance.

DESCRIPTION

Project Name: Round Valley Park City Annexation
Project Planner: Kirsten A Whetstone, Senior Planner
Applicants (Petitioner): Park City Municipal Corporation (Sponsor), Afton Stephen Osguthorpe, and Utah Department of Transportation (UDOT)
Location: Round Valley Open Space north and south of the Quinn's Sports Complex on the west side of SR 248, west of US 40 and east of Old Ranch Road, including the Osguthorpe fields and Gordo parcels north of SR 248 at Richardson Flat Road.
Proposed Zoning: Recreation Open Space (ROS) is proposed for all open space and deed restricted properties and Frontage Protection Zone (FPZ) is proposed for the 250' of frontage on SR 248.
Adjacent Land Uses: Quinn's Sport's Complex, Open Space, Park City Ice Arena, National Ability Center, IHC Hospital, USSA Building, Summit County Health Department, Park City Clinic, Highway 248, and single family subdivisions to the west and north. Adjacent zoning includes Community Transition (CT), Residential Development (RD), Recreation Open Space (ROS), Protected Open Space (POS), Single Family (SF), and Hillside Stewardship (HS) in Summit County.
Proposed Uses: Recreation open space uses are proposed for all existing open space areas, subject to existing easements and deed restrictions. Agricultural uses are proposed to continue on the Osguthorpe parcel per existing deed restrictions and conservation easements. No future uses have been identified for four (4) lower non-deed restricted "Gordo" parcels located across SR 248 from the Quinn's Water Treatment Plant (2 owned by Park City Municipal and 2 are UDOT owned). The 4 upper "Gordo" parcels are deed restricted as open space, owned by Park City.

PROPOSAL

The proposal is a request to annex approximately 1,368 acres into the Park City municipal boundary and to amend the official zoning map to include the properties in the Recreation Open Space (ROS) zoning district (Exhibit A). No development or subdivision of the land is proposed with this annexation. Existing uses of the property are consistent with the proposed zoning. The City and UDOT parcels, known as the “Gordo” parcels maybe developed in the future with essential municipal uses permitted as allowed or conditional within the ROS zone (Exhibit B).

BACKGROUND

On March 11, 2013, the petitioners (Park City Municipal, Afton Stephen Osguthorpe, and Utah Department of Transportation (UDOT)) filed a completed annexation petition with the City Recorder for annexation of 1,368 acres into the Park City Municipal boundary including necessary notification of the intent to file the petition with the County Clerk and Recorder and the County Planning Commission. Staff presented the Annexation petition to City Council on March 21, 2013. Following Council acceptance, the petition was certified by the City Recorder on April 22, 2013 and Council was provided notice of the certification, indicating that the petition met requirements of State Code for Annexation Petitions.

On May 3, 2013, notice of petition acceptance was mailed to all Affected Entities beginning a thirty (30) day protest period. Beginning on May 8, 2013, the City Recorder published notices of petition acceptance in the Park Record for three consecutive weeks. No protests were filed with the County Clerk regarding the Round Valley Annexation petition, allowing Staff to continue review of the Annexation according to the City’s Annexation Policy Plan.

Staff’s review was put on hold while the applicants considered inclusion of an adjacent small parcel, owned by a third party, located at the northwest corner of Quinn’s Junction. The property owner of the parcel ultimately decided not to be included in this annexation.

On February 26, 2014 the annexation petition and proposed zoning were presented to the Planning Commission and an initial public hearing was conducted (see Exhibit L Meeting minutes). The Planning Commission requested a site visit as well as staff analysis comparing the various zones (POS, ROS, and LI). Due to Planning Department workload Staff had to set this application aside to focus on higher priority permits, applications, General Plan re-write, and LMC Amendments. The applicant agreed to the continuation until later in the summer.

On June 25, 2014, Staff and the Planning Commission conducted a site visit and circumnavigated the annexation area by van. At the Gordo parcels, staff oriented the Commission as to which were conservation/deed restricted encumbered parcels and which were parcels the petitioner (the City) is requesting Light Industrial (LI) zoning. The UDOT parcels, also included on the petition as LI zoning, were also examined.

Staff provided a summary of site and lot requirements, as well as language from the LMC comparing the uses allowed in these zones.

On August 27, 2014, the Planning Commission conducted a public hearing and discussed the proposed annexation and zoning map amendment (See Exhibit O- minutes of August 27, 2014 Planning Commission meeting). The Commission was prepared to forward a positive recommendation to City Council; however the applicant requested the item be continued to the September 24, 2014, Planning Commission meeting to allow additional time to review the Annexation Agreement (Exhibit C- Annexation Agreement).

On September 24, 2014, the Planning Commission conducted a public hearing and voted unanimously to forward a positive recommendation to City Council to annex the property and amend the Park City Zoning Map with this property designated as Recreation Open Space (ROS) with Frontage Protection Zone (FPZ) along the Stare Road 248 frontage (Exhibit P- minutes of September 24, 2014 Planning Commission meeting) (Exhibit D).

DESCRIPTION OF ANNEXATION AREA

The annexation area consists of two related areas including 1) the 1,104 acre north Round Valley Open Space area and 2) the 264 acre south Round Valley Open Space area consisting of City owned open space south of the National Ability Center and south of the Quinn's Sports Complex, the Osguthorpe owned agricultural fields, and the "Gordo parcels"- eight small parcels (total of 8.42 acres) located off of SR 248 across from the Quinn's Water Treatment Plant at the intersection of SR 248 and Richardson Flats Road as depicted on the proposed Annexation Plat (Exhibit A).

The north area is undeveloped open space consisting of rolling hills, ridges, draws, and a main central valley (Round Valley). Vegetation is primarily sage brush, oak, grasses and other native trees and shrubs. Numerous non-motorized trails have been constructed in the area, utilized by hikers, bikers, runners, snowshoers and skiers (Exhibit B).

Agricultural uses are permitted on the Osguthorpe parcel in the south area (subject to the conservation easement), with the remaining parcels consisting of sage brush hills with other native shrubs and grasses. The southern area also contains a network of non-motorized trails accessed from a trailhead located south of the Quinn's Field Complex. The south area includes the "Gordo" parcels located along SR 248. Two of the eight "Gordo parcels" are owned by UDOT with the remaining parcels owned by Park City. Four of the City parcels are encumbered with conservation easements limiting use to recreation open space.

With the exception of the UDOT parcels and two of the Gordo parcels, the annexation property is currently subject to conservation easements and various deed restrictions. Most of the property has been purchased by Park City as open space with open space

funds and is permanently restricted for open space uses as spelled out in each deed restriction and conservation easement (Exhibit N). The annexation would not change or remove any of these restrictions or easements.

Current underlying Summit County zoning for the property is 1) Rural Residential with an allowable density of 1 unit per 20 acres for Developable Lands (DL) and 1 unit per 40 acres for Sensitive Lands (SL) and 2) Hillside Stewardship (HS) with an allowable density of 1 unit per 30 acres for Developable Lands and 1 unit per 40 for Sensitive Lands (Exhibit I).

Requested zoning is Recreation Open Space (ROS), including all of the existing open space and conservation easement areas (Exhibit D). Light Industrial (LI) was initially proposed for the four (4) lower “Gordo” parcels. Two of these four parcels are UDOT parcels (2.06 acres) and two are PCMC parcels (3 acres). These lower parcels are not deed restricted, were not purchased with open space funds, and the current zoning is Rural Residential (RR) (see Exhibit M). The lower City owned parcels have been used in the past for storage of various materials. The Planning Commission forwarded a recommendation to City Council to consider all of the annexation property be zoned ROS (Recreation Open Space).

Additionally, Frontage Protection Overlay Zone (FPZ) is recommended for the annexation area along the property frontage with SR 248. The LMC identifies this area for Entry Corridor Protection Overlay (ECPO), as a subzone of the FPZ. ECPO includes specific regulations, such as no-build zones, height restrictions, and increased setbacks for the area within 250’ of the Highway ROW (Exhibit K). FPZ zoning is consistent with past annexations along entry corridors. The non-deed restricted Gordo parcels are not within the FPZ, however the UDOT parcels are.

The portion of SR 248 (the actual road and right-of-way area) not currently within the City boundary is also included in this annexation. The SR-248 right-of-way will not be dedicated to the City and will remain UDOT controlled as it is in the rest of the City. It will be within the City boundaries.

No subdivision plat or master planned development plans were submitted with this annexation petition because the immediate development of the property is not contemplated, other than as would be permitted within the ROS zone and/or as allowed by the existing deed restrictions and conservation easements. At this time no specific uses of the “Gordo” parcels have been identified although the City contemplated essential municipal service uses for the non-deed restricted parcels at the time of purchase. Prior to development of any uses on the “Gordo” parcels a subdivision plat will likely be required to create legal platted lots from the metes and bounds parcels.

The applicants submitted an annexation plat (Exhibit A), prepared by a licensed surveyor and additional annexation petition materials and a report (Exhibits D, E, F, G,

H, I, J and N) addressing items required by the City's Annexation Policy Plan and Utah State Code.

PROCESS

Municipal annexation is a legislative act governed procedurally by Utah state law and the Park City Land Management Code. When an annexation petition is filed with the City Recorder, the petition for annexation is first presented to the municipal legislative body for acceptance or rejection. Because annexation is legislative, the Council has broad discretion to accept or reject the petition.

The City Council reviewed and accepted this petition on March 21, 2013, and the petition was certified by the City Recorder on April 22, 2013. Mailed notice to affected entities was sent on May 8, 2013 and legal notice was published in the Park Record for three consecutive weeks. No protests were filed with the County Clerk, as allowed by the State Code; therefore the annexation may proceed.

City code requires the creation of a Staff Review Team which includes the following or their designees: Planning Director, City Engineer, Public Works, Fire Marshall, Police Chief, representatives from applicable utility providers and the Park City School District Superintendent. This annexation proposal has been reviewed by the Staff Review Team at the Development Review Committee meetings and comments received have been incorporated into the application and/or draft Ordinance.

In addition, the Planning Department has prepared this staff report which evaluates the annexation proposal and includes a review of applicable criteria per the Annexation Policy Plan (LMC 15-8-5).

In evaluating the annexation and zoning map amendment, the Planning Commission and City Council review the proposal in accordance with the City's Annexation Policy Plan (LMC 15-8-5) and the Utah Code. This process includes a public hearing, Commission review and recommendation to Council, with City Council making the final decision and taking final action.

This report is required by the Municipal Code regarding Annexations to review and explain the implications of the annexation to the City in terms of zoning, use, access, city services and utilities, impacts on surrounding properties, and whether the annexation is consistent with the Park City General Plan. The Applicant provided a comprehensive report as well (Exhibit J).

ANALYSIS

Utah Code Annotated (UCA) Section 10-2-401, 10-2-402 and 10-2-403

The annexation petition has been reviewed pursuant to the Utah Code Annotated (UCA) Sections 10-2-401, 10-2-402 and 10-2-403. The annexation petition requirements set forth in these sections of the UCA have been met; including issues of 1) contiguity and municipal annexation expansion area, 2) boundaries drawn along existing local districts, special districts and other taxing entities, and 3) for the content of the petition.

Review pursuant to the City's Annexation Policy Plan

The annexation petition has been reviewed pursuant to the City's Annexation Policy Plan. The annexation consists of a 1,104 acre north parcel and a 264 acre south parcel that are separated by property that is already within the Park City Municipal boundary. The total annexation area is approximately 1,368 acres. The property is contiguous to the Park City Municipal boundary and the proposed annexation area is located within the Park City Annexation Expansion Area, as described by the adopted Annexation Policy Plan. The annexation of this area will eliminate an existing peninsula within the City's boundary. Annexation of this area will bring into the City land that was purchased by the City for the purpose of open space and recreational uses.

Review pursuant to the Annexation Policy Plan- purpose

Chapter 8 of the Land Management Code is considered Park City's annexation policy plan and declaration. In Section 15-8-1 the Code states the following:

The annexation requirements specified in this Chapter are intended to protect the general interests and character of the community; assure orderly growth and development of the Park City community in terms of utilities and public services; preserve open space, enhance parks and trails; ensure environmental quality; protect entry corridors, view sheds and environmentally Sensitive Lands; preserve Historic and cultural resources; create buffer areas; protect public health, safety, and welfare; and ensure that annexations are approved consistent with the Park City General Plan and Utah State Law.

In addition the Annexation Policy Plan states:

If practical and feasible, boundaries of an Area proposed for annexation shall be drawn:

- (A) Along the boundaries of existing special districts for sewer, water, fire, and other services, along the boundaries of school districts whose boundaries follow City boundaries... and along the boundaries of other taxing entities;*
- (B) To eliminate islands and peninsulas of territory that is not receiving municipal type services;*
- (C) To facilitate the consolidation of overlapping functions of local government;*
- (D) To promote the efficient delivery of services; and*
- (E) To encourage the equitable distribution of community resources and obligations.*

It is the intent of this Chapter to ensure that Property annexed to the City will contribute to the attractiveness of the community and will enhance the resort

image which is critical for economic viability, and that the potential deficit of revenue against expense to the City is not unreasonable.

Staff finds that the proposed annexation is consistent with the purpose statements of the Annexation Policy Plan and that as conditioned will protect the general interests and character of the community; preserve open space, ensure environmental quality; protect entry corridors, view sheds and environmentally Sensitive Lands; enhance pedestrian connectivity, create buffer areas; and protect the general public health, safety, and welfare.

As conditioned, and subject to all existing conservation easements and deed restrictions already in place, the property will be maintained as open space for the community and visitors. Any future development on the four “Gordo” parcels, if zoned ROS, will be consistent with the purposes of the ROS zone while providing some opportunity for essential municipal service uses compatible with uses on surrounding properties that enhance the rural and resort image of Park City.

No City roads are contemplated. Existing ROWs will remain under their current jurisdiction. Extension of utility services, including sewer and water, is not contemplated.

Review pursuant to the Annexation Policy Plan- requirements

The Annexation Policy Plan (see Section 15-8-5 (B)) requires an annexation evaluation and staff report to be presented that contains the following items:

1. General Requirements of Section 15-8-2

See below for detailed analysis of the annexation as it relates to Section 15-8-2.

2. Map and natural features

The property is contiguous with the Park City Municipal boundary and is located within the Annexation Expansion Area, as described by the adopted Annexation Policy Plan. The property consists of two related areas including 1) the 1,104 acre north Round Valley Open Space area and 2) the 264 acre south Round Valley Open Space area that consists of City owned open space south of the National Ability Center and south of the Quinn’s Sports Complex, the Osguthorpe owned agricultural fields, and the “Gordo parcels”- eight small parcels (total of 8.42 acres) located off of SR 248 across from the Quinn’s Water Treatment Plant at the intersection of SR 248 and Richardson Flats Road as depicted on the proposed Annexation Plat (Exhibit A).

The property is characterized by the expanses of open, rolling terrain with high mountain desert vegetation consisting of sage brush, oak brush, grasses, wildflowers, and other plants and shrubs typical of this ecosystem. A large central valley (Round Valley), located on the northern portion, is surrounded by higher ridges and rounded hills. The lowest point of the valley appears to contain a small wetlands area, based on type of vegetation and moist soils visible at the surface.

Numerous non-motorized trails have been constructed in the area, utilized by hikers, bikers, runners, snowshoers and skiers.

3. Density

The City (PCMC), as applicant of this annexation, is not requesting any density allocation for the annexation properties currently subject to conservation easements or deed restrictions. At the time of purchase, the City contemplated Essential Municipal facilities and uses as a possible future use of the non-deed restricted, City owned Gordo parcels. UDOT has not indicated possible future uses for their parcels. State owned land is not subject to the City's LMC unless the property was sold to the City or another private entity. The ROS zoning does not permit density, in terms of residential or commercial unit equivalents, but does allow for Essential Municipal facilities as a conditional use. No residential or commercial unit equivalents are requested as part of this annexation.

4. Land Uses-existing and proposed

Wildlife - The applicant provided wildlife information from the Utah Division of Wildlife. Deer, elk, and moose along with a variety of smaller mammals and birds are found on the property. Preservation of the property as open space preserves wildlife habitat, including habitat for sage grouse, a species of special interest in Utah.

Environmental Issues

The annexation is outside the City's Soils Ordinance District. The property contains areas of Steep or Very Steep Slopes and prominent ridges. There is little surface water, in streams or ponds, located on the property.

Utility & Access

There are no plans to extend utilities or create additional access routes into the annexation property. The Gordo parcels currently have an un-improved access. Any future proposed utilities or access improvements require review and approval by the City Engineer, and UDOT, if access is proposed onto a State Highway.

5. Character and Development of adjacent property

The area is bounded on three sides by highways and a county road. Development along the annexation boundary is primarily rural and low density residential, recreation and open space, and institutional/medical.

6. Zoning- existing and proposed

Current underlying Summit County zoning for the property is 1) Rural Residential with an allowable density of 1 unit per 20 acres for Developable Lands (DL) and 1 unit per 40 acres for Sensitive Lands (SL) and 2) Hillside Stewardship (HS) with an allowable density of 1 unit per 30 acres for Developable Lands and 1 unit per 40 for Sensitive Lands.

Requested zoning is Recreation Open Space (ROS) for the annexation area, including all of the existing open space and conservation easement areas. Light Industrial (LI) was originally proposed for the four (4) lower “Gordo” parcels. Two of these four parcels are UDOT parcels (2.06 acres) and two are PCMC parcels (3 acres). These lower parcels are not deed restricted and were not purchased with open space funds (see Exhibits N and M). The lower City owned parcels have been used in the past for storage of various materials. Staff recommended that all of the parcels be zoned ROS and after discussion with the Planning Commission the Commission agreed and forwarded a recommendation for the entire annexation area to be zoned ROS.

The ROS zone allows only conservation activities as an Allowed use. Trails and Trailhead improvements; Outdoor recreation equipment; Essential municipal public utility uses, service, or structures less than 600 sf; Accessory structures less than 600 sf, Parking areas with four or fewer spaces, Temporary construction improvements, Raising and grazing of horses and livestock, and Anemometers are permitted with an Administrative Conditional Use. All other listed uses (see Exhibit K) require a Conditional Use Permit with a public hearing and approval by the Planning Commission.

Frontage Protection Overlay Zone (FPZ) is recommended for the annexation area along the property frontage with SR 248. The LMC identifies this area for Entry Corridor Protection Overlay (ECPO), as a subzone of the FPZ. ECPO includes specific regulations, such as no-build zones, height restrictions, and increased setbacks for the area within 250’ of the Highway ROW (Exhibit K). FPZ zoning is consistent with past annexations along entry corridors.

The Planning Commission is required to review the zoning request and make a recommendation to City Council, except in the case of POS or ROS zoning according to Land Management Code Section 15-8-3 (E). Final approval of zoning is required to be made by the City Council.

7. Goals and Policies of the Park City General Plan

(See (B) below.)

8. Assessed valuation

Annexation of the property will have a neutral impact on the property’s assessed valuation as all properties have tax exempt status.

9. Demand for municipal services

If annexed, the following are providers of municipal services in this area: Park City Police, Park City Fire District, Park City Water, and Snyderville Basin Water Reclamation District (SBWRD - sewer), and Park City School District. Questar gas, Rocky Mountain Power- power, Comcast - cable, and Qwest – gas provide utility services to portions of this property.

Additional demand for services is not expected for a majority of the property, with the exception of the Gordo parcels. County Sheriff provides law enforcement

services at this time. County Planning, Engineering, and Building provide community development services at this time. County Health Department provides health related services and will continue upon annexation. Recreation services (trails and trail head maintenance, signs, mapping, event management, etc.) are provided jointly by the City, Mountain Trails, and Basin Recreation and this arrangement is anticipated to continue upon annexation. City Planning, Engineering and Building would provide community development services upon annexation.

Annexation of these properties changes the provision of law enforcement from County Sheriff to Park City Police, however services related to animal control and health will continue to be provided by Summit County, as they provide such services within the Municipal boundaries. Zoning enforcement and development review (trails, trailheads, etc.) would change from Snyderville Basin Planning Code and Commission/Summit County Council to Park City Land Management Code and Park City Planning Commission/City Council. For instance, in the event a new trail or trailhead is proposed on this property, the planning application and any necessary building permits would be reviewed by the City's Planning, Building, and Engineering Departments rather than by Summit County.

10. Effect on City boundaries

This annexation does not create an island, peninsula, or other irregular shaped City boundary, but rather eliminates an existing peninsula. This annexation provides contiguity to the City Limits along all boundaries. The property is within the City's Annexation Expansion Area boundary and the City has expectations that this Property will be part of the City.

11. Timetable for extending services

Extension of extending services to the annexation area is not contemplated as the majority of the land is recreation open space. The existing conservation easements and deed restrictions limit future development and the need for these services.

12. Revenue versus costs

There is no revenue associated with this property due to its open space, tax exempt status. There are no residential or commercial uses associated with the property. There are costs associated with maintaining the open space lands.

13. Tax consequences

There are no tax consequences as a result of this annexation as the parcels are all tax exempt status currently.

14. Impact on Summit County

As there is no residential or commercial component to this annexation there is no impact on Summit County in terms of loss of sales tax revenue, taxes, etc. Park City not Summit County will be responsible for providing municipal services, including processing of applications related to the LMC and law enforcement.

15. Historic and cultural resources

There are no known historic structures or known cultural resources identified on the property according to information on record at the State, County, and City historic resources. The property is for the most part undeveloped land used for agricultural, mining (quarry), and recreational purposes. A detailed historic and cultural resource study has not been conducted for the property due to the fact that the proposed uses are not changing and remain as agricultural and recreational. The City may entertain such a study in the future.

Review pursuant to the Annexation Policy Plan- Section 15-8-2- General Requirements (prior General Plan was in effect at the time of submittal)

City Staff has reviewed the proposed annexation against the following general requirements established for annexation to Park City as presented in LMC Section 15-8-2, as follows:

- (A) Property under consideration of annexation must be considered a logical extension of the City boundaries.

The property is contiguous to the Park City Municipal boundaries. It is a logical extension of the City boundaries to annex these properties, and the southern portion is considered a peninsula of County jurisdiction mostly surrounded by the City. The property is within the Park City Annexation Expansion Area boundary.

- (B) Annexation of Property to the City must be consistent with the intent and purposes of this Chapter and the Park City General Plan.

This annexation proposal has been submitted and processed consistent with the intent and purposes of LMC Chapter 8, the Annexation Policy Plan. The annexation petition has been accepted by the City Council and the petition certified by the City Recorder. The applicant submitted all required documents and information, per LMC Section 15-8-3 (A)-(J). Affected entities have been noticed of the petition acceptance by the City Council.

The southern portion is an infill property within existing Park City municipal boundaries and is within the Quinn's Junction neighborhood area of the prior General Plan, the Plan in effect at the time of the annexation petition. The northern portion is not within a specific neighborhood, but bounds the Quinn's Junction and Park Meadows neighborhoods. Applicable goals and objectives of these areas include:

- ***Preserve wetlands, drainage ways, and intermittent streams and***

incorporate them into developments as amenities, rather than as simply undeveloped land.

- ***Preserve as many large cohesive, unbroken areas of open space and undeveloped land as possible through design, dedication, and acquisition, as development occurs.***
- ***Protect the views along the City's entry corridors by establishing design, setback, and landscape requirements***
- ***Decrease fire risk. Keep development out of certain sensitive areas, such as wildland interface zones and carefully control development where wildfire occurs.***
- ***Incorporate pedestrian trails and open space to allow movement between and through neighborhoods. Trails should link to other recreational and community facilities and provide viable alternatives to vehicular transportation. Trails should be consistent with the Master Trails plans.***

Additionally, the General Plan established goals designed to address foreseeable problems and express community aspirations (Prior General Plan p. 5-10). The applicable key goals include:

- ***Preserve the mountain resort and historic (agricultural too) character of Park City.***
- ***Preserve environmental quality, open space, and outdoor recreational opportunities.***
- ***Maintain the high quality of public services and facilities.***
- ***Maintain the unique identity and character of an historic community.***
- ***Involve the community in decision making.***

Staff finds, as conditioned, that the proposed annexation complies with these established goals.

(C) Every annexation shall include the greatest amount of Property possible that is a contiguous Area and that is contiguous to the City's municipal boundaries.

The annexation includes all of the Property possible that is contiguous to Park City's boundaries and within the Park City Annexation Expansion Area.

(D) Piecemeal annexation of individual small Properties shall be discouraged if larger contiguous Parcels are available for annexation within a reasonable time frame in order to avoid repetitious annexations.

The annexation area constitutes the largest area possible owned by the applicants (see above) and is not a piecemeal annexation of individual small Properties.

(E) Islands of county jurisdiction shall not be left or created as a result of the annexation and peninsulas and irregular boundaries shall be avoided.

The annexation does not create an island. The proposed annexation does not create an irregular boundary.

(F) In addition to services provided by existing districts, such as sewer, fire protection, and public schools, the following urban level services, consistent with those normally provided in the rest of the incorporated boundaries will be provided to the annexed Areas:

- Police protection - ***City Police protection will be provided if annexed.***
- Snow removal and maintenance of Public Streets- ***the City will provide snow removal from any future Public Streets within the property. None are planned at this time.***
- Planning, zoning, and Code enforcement- ***Currently Summit County Planning and Building Department and would transfer to the City departments of planning, building, and engineering.***
- Availability of municipal sponsored parks and recreational activities and cultural events and facilities. ***Open Space areas and parks are public and open to County and City residents and visitors.***
- Water services as the Area is developed. Existing water treatment and storage facilities may currently be inadequate to provide services to the annexed Area. Developers of annexed Area are required to pay for the cost of improvements related to the extension of and connection with the City lines and systems as well as participate in additional improvements such as storage capacity and distribution as necessary for safe, reliable, and efficient water flows. ***Minimal to no additional water services are anticipated for the annexation property due to uses remaining as recreational and agricultural. Agricultural uses will maintain current irrigation water. Development of ROS uses on the City's Gordo parcels will likely require subdivision and utility plans, along with any required Conditional Use Permits and building permits.***

(G) If feasible and practical, water and sewer lines shall be extended to the Area proposed for annexation. Expenses associated with such extension shall be the responsibility of the developer of the property. The City shall determine timing and capacity of extending water to the proposed annexation area. The Water Reclamation district shall determine timing and capacity of extending sewer service to the proposed annexation area. ***Minimal to no additional water or sewer lines are anticipated for the annexation property due to uses remaining as recreational and agricultural. Development of ROS uses on the City's Gordo parcels will require subdivision and utility plans, along with any required Conditional Use Permits.***

(H) Before considering requests for annexation the City shall carefully analyze the impacts of annexation of an Area, taking into consideration whether the Area will create negative impacts on the City and considering whether the City can

economically provide services to the annexed Area. Community issues such as location and adequacy of schools and community facilities, traffic, fire protection, particularly in Wildfire/Wildland Interface Zones, useable open space and recreation Areas, protection of Sensitive Lands, conservation of natural resources, protection of view corridors, protection and preservation of Historic resources, affordable housing, balance of housing types and ownership, adequate water and sewer capacity to serve the future needs of the proposed annexation Areas shall also be considered. ***Impacts of this annexation have been carefully analyzed and due to the fact that the majority of the property will remain as deed restricted Open Space this annexation has positive impacts on the City and surrounding property. If development of the City's Gordo parcels is desired in the future, any development that requires a building permit will require approval of a subdivision plat and utility plans. Protection of the entry corridor and any Sensitive lands identified at the time of application; fencing, lighting, and landscaping; and architectural character and compatibility with surrounding properties, buildings, and uses will be important items of review and the development will need to address and mitigate any negative impacts as outlined in LMC Section 15-1-10- Conditional Use Permits.***

- (I) Situations may exist where it is in the public interest to preserve certain lands from Development where there exist Geologic Hazards, excessive Slopes, flood plains or where the need for preservation of community open space and/or agricultural lands is consistent with the General Plan. In such circumstances, annexation may occur as a means of retaining those lands in a natural state. ***The property is for the most part open space lands and it is in the public interest to preserve this land as open space. This annexation does not change the use of the majority of the area, which is deed restricted as recreation open space. The irrigated agricultural fields will also remain subject to a conservation easement. The Gordo parcels are vacant, disturbed parcels that are not on excessive slopes or within, flood plains, and are not currently agricultural land or designated open space.***
- (J) The City shall consider annexation of unincorporated Areas of Summit County that are within the annexation expansion Area. ***The property is within the annexation expansion Area and located within the unincorporated Summit County.***
- (K) In general, the City does not favor annexation of territory, which should be located within another municipality, nor does it favor the annexation of unincorporated territory solely for the purpose of acquiring municipal revenues, or for retarding the capacity of another municipality to annex. ***The property is not within another municipality and the annexation is not solely for the***

purpose of acquiring municipal revenues or for retarding the capacity of another municipality to annex this property.

- (L) Annexations that expand the resort and/or tourist economy provide second home or rental residential Properties, preserve environmentally Sensitive Lands, and provide significant public open space and community facilities are preferred.

The purpose of this annexation is to bring the City's open space into the City limits and jurisdiction to preserve the environmentally Sensitive lands and to maintain this significant open space as a community amenity and benefit.

Annexation Agreement

The Annexation Policy Plan establishes a requirement for an Annexation Agreement to be approved by the City Council to address standard conditions that must be met prior to completion of the annexation. The LMC requires the Planning Commission review the Annexation Agreement. A draft Annexation Agreement was provided for Planning Commission review (Exhibit C).

DEPARTMENT REVIEW

The application was reviewed in detail by the Development Review Committee on July 9, 2013. Staff provided the entire petition and submittal report with all exhibits. The Committee provided comments which have been incorporated in this report and final Ordinance.

NOTICE AND PUBLIC INPUT

On February 11, 2014, and again on August 13, 2014, the property was posted, notices were sent to surrounding property owners, and legal notice was published in the Park Record on August 13 and September 6, 2014 according to requirements of the Land Management Code.

Staff received several phone calls from neighboring residents and property owners requesting additional information regarding the location of the property to be annexed, proposed zoning, whether the property would remain as open space, who would maintain the trails, whether trails would continue to be public trails, questions about hunting regulations and enforcement, trail use, and whether regulations of dogs and leash laws would change.

A public hearing was conducted at the August 27th and September 24th Planning Commission meetings. There was no public input and the public hearing was closed.

FUTURE PROCESS

Annexations require Planning Commission recommendation and City Council adoption and become pending upon publication of an ordinance and compliance with state

code filing procedures. City Council action may be appealed to a court of competent jurisdiction per LMC Section 15-1-18.

RECOMMENDATION

Staff recommends the City Council review the annexation and zoning petition and this report for the Round Valley Park City Annexation and Zoning, conduct a public hearing, and consider approving the Round Valley Park City Annexation and the Zoning Map amendment in accordance with the attached Ordinance.

EXHIBITS

Ordinance

Exhibit A- Annexation Plat and Legal Descriptions

Exhibit B- Vicinity Map and Existing Conditions

Exhibit C- Annexation Agreement

Exhibit D- Zoning Map Amendment

Exhibit E- View shed Corridors, site photos, typical vegetation

Exhibit F- Surrounding property map

Exhibit G- Sensitive Lands Analysis

Exhibit H- Wildlife Habitat

Exhibit I- Summit County Zoning (existing)

Exhibit J- Annexation Petition Report

Exhibit K- ROS, LI, and FPZ Uses from LMC

Exhibit L- Minutes of the February 26th Planning Commission meeting

Exhibit M- Gordo parcel Exhibits

Exhibit N- Map of Conservation Easements and Deed Restrictions

Exhibit O- Minutes of the August 27th Planning Commission meeting

Exhibit P- Minutes of the September 24th Planning Commission meeting

**AN ORDINANCE APPROVING THE ROUND VALLEY PARK CITY
ANNEXATION AND ZONING MAP AMENDMENT
ANNEXING INTO THE PARK CITY MUNICIPAL BOUNDARY AND ZONING AS
RECREATION OPEN SPACE (ROS), THE ROUND VALLEY OPEN SPACE
AREA, OSGUTHORPE FIELDS, AND GORDO PARCELS GENERALLY
LOCATED NORTH OF STATE ROAD 248, WEST OF HIGHWAY US 40, AND
EAST OF OLD RANCH ROAD LOCATED IN SECTIONS 28, 33, 34 AND 35
TOWNSHIP 1 SOUTH, RANGE 4 EAST, AND IN SECTIONS 2 AND 3,
TOWNSHIP 2 SOUTH, RANGE 4 EAST OF THE SALT LAKE BASE AND
MERIDIAN, SUMMIT COUNTY, UTAH**

WHEREAS, on March 11, 2013, the owners of the property known as the Round Valley Open Space, including the Osguthorpe Fields and the Gordo Parcels, namely Park City Municipal Corporation and Afton Stephen Osguthorpe Family Trust, petitioned the City Council for approval of an annexation of land into the Park City limits as shown on the attached Annexation Plat and Legal Descriptions (Exhibit A), the "Property"; and

WHEREAS, the property is approximately 1,368 acres in area and is located generally north of State Road 248, west of US 40, and east of Old Ranch Road within, as described in the attached Vicinity Map (Exhibit B); and

WHEREAS, the Property will be zoned Recreation Open Space (ROS) with Frontage Protection Zone (FPZ) where the annexation properties have frontage on State Road 248; and

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

WHEREAS, the Park City Council accepted the Round Valley Park City Annexation petition on March 21, 2013; and

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

WHEREAS, On April 22, 2013, the City Recorder certified the annexation petition and delivered notice letters to the "affected entities" required by Utah Code, Section 10-2-405, and published notice in the Park Record for three consecutive weeks, giving notice, that the petition had been certified and the required 30-day protest period had begun; and

WHEREAS, no protests were filed by any “affected entities” or other jurisdictions within the 30-day protest period and the petition was considered accepted on June 2, 2013; and

WHEREAS, on February 11th and August 12, 2014, written notice was sent to surrounding property owners, the property was posted, and legal notice was published in the Park Record providing legal notice of Planning Commission and City Council hearing dates; and

WHEREAS, the Planning Commission held public hearings on February 26, 2014, August 27, 2014, and September 24, 2014 to receive public input on the proposed annexation and zoning; and

WHEREAS, on June 26, 2014, the Planning Commission and Staff circumnavigated the annexation area by van and conducted a site visit to the Gordo parcel area; and

WHEREAS, on September 24, 2014, the Planning Commission forwarded to City Council a positive recommendation on the proposed Round Valley Park City Annexation and the Zoning Map Amendment; and

WHEREAS, on October 30, 2014, the City Council held a public hearing to receive input on the proposed annexation and zoning; and

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

WHEREAS, it is in the best interest of Park City, Utah to approve the Annexation and Park City Zoning Map amendment, as this annexation will bring the City Owned open space property known as Round Valley Open Space, as well as the deed restricted Osguthorpe fields and the City and UDOT owned parcels, known as the Gordo parcels, into the City Limits; and

WHEREAS, an Annexation Agreement, between the City and Petitioners pursuant to the Land Management Code, Section 15-8-5 (C), setting forth further terms and conditions of the Annexation shall be executed and recorded at Summit County with recordation of the Annexation Plat (Exhibit C).

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

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

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

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

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

SECTION 3. COMPLIANCE WITH STATE LAW, GENERAL PLAN, AND ANNEXATION POLICY PLAN. This annexation and the proposed zoning meets the standards for annexation set forth in Title 10, Chapter 2 of the Utah Code, the Park City General Plan, and The Annexation Policy Plan - Land Management Code Chapter 8, Annexation.

SECTION 4. OFFICIAL PARK CITY ZONING MAP AMENDMENT. The Official Park City Zoning Map is hereby amended to include said Round Valley Park City Annexation area in the Recreation Open Space (ROS) zoning district and the Frontage Protection Zone (FPZ), as shown in Exhibit D.

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

Findings of Fact:

1. The annexation petition is a request to annex approximately 1,368 acres into the Park City municipal boundary and to amend the official zoning map to include the property in the Recreation Open Space (ROS) zoning district.
2. The Round Valley Park City annexation area is currently located in unincorporated Summit County.
3. The non-deed restricted "Gordo" parcels, both UDOT and City owned, are within the Quinn's Junction neighborhood and along the main 248 entry corridor to Park City.
4. The proposed land uses are consistent with the purpose statements of the ROS zoning district and the Planning Commission recommends that the entire annexation area be zoned ROS.
5. The proposed annexation meets the purposes stated in the Annexation Policy Plan, in that this annexation contributes to the achievement of the goals and policies of the Park City General Plan and further protects the general interests and character of Park City.
6. The annexation will bring City owned open space land into the Park City Municipal boundary and enable services to be provided to the Property,

such as police and community development services, which are more easily accessible from the City than the County.

7. The annexation does not change or remove any existing deed restrictions or conservation easements from the Property and only the four lower “Gordo” parcels are not restricted from development due to deed restrictions and conservation easements.
8. Annexation of this parcel will not create an island, peninsula, or irregular city boundary. The annexation is a logical extension of the City Boundary.
9. This property is located within the Park City Annexation Expansion Area, adopted by the City Council in 2003.
10. Provision of municipal services, such as police, water, and community development, for this property is more efficiently provided by Park City than by Summit County, in particular for non-deed restricted “Gordo” parcels.
11. The annexation petition has been reviewed pursuant to Utah Code Annotated (UCA) Sections 10-2-401, 402, and 403. The annexation petition requirements set forth in these sections of the UCA have been met; including issues of 1) contiguity and municipal annexation expansion area, 2) boundaries drawn along existing local districts, special districts and other taxing entities, and 3) for the content of the petition.
12. The proposed annexation is consistent with the purpose statements of the Annexation Policy Plan and will protect the general interests and character of the community; assure orderly growth and development of the Park City community in terms of utilities and public services; will preserve open space and ensure environmental quality; will protect a prominent entry corridor, view sheds, and environmentally Sensitive Lands; will enhance pedestrian connectivity and create buffer areas; and will protect the general public health, safety, and welfare.
13. The City Staff and Review Team have reviewed the proposed annexation against the general requirements established for annexation to Park City as presented in LMC Section 15-8-2 and as further described in the Analysis section of the October 30, 2014, Staff report.
14. No development or subdivision of the land is proposed at this time.

Conclusions of Law:

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

Conditions of Approval:

1. The Official Zoning Map shall be amended to designate the Round Valley Park City Annexation parcels zoning as Recreation Open Space

(ROS) with the Entry Corridor Zone (ECZ) along the property frontage with State Road 248.

2. The annexation agreement shall be fully executed and recorded with the Annexation Plat.
3. All current ROWs will remain under their respective jurisdiction.

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

PASSED AND ADOPTED this ____ day of _____, 2014.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark D. Harrington, City Attorney

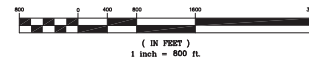
EXHIBIT A

ROUND VALLEY PARK CITY ANNEXATION PLAT

LOCATED IN SECTIONS 28, 33, 34 & 35,
TOWNSHIP 1 SOUTH, RANGE 4 EAST,
AND IN SECTIONS 2 & 3,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE & MERIDIAN,
SUMMIT COUNTY, UTAH



GRAPHIC SCALE



Line No.	Bearing	Distance
L1	N 22° 01' 00" E	527.41'
L2	N 17° 42' 46" E	399.75'
L3	N 28° 04' 06" E	200.00'
L4	N 37° 37' 06" E	115.81'
L5	N 42° 52' 13" E	57.93'
L6	S 46° 13' 24" W	339.56'
L7	N 27° 45' 07" W	360.10'
L8	N 63° 51' 50" E	13.75'
L9	N 34° 07' 11" E	544.70'
L10	S 22° 00' 39" W	1005.18'
L11	S 21° 58' 40" W	273.27'
L12	N 22° 02' 06" E	602.76'

Line No.	Bearing	Distance
L13	S 89° 47' 17" W	199.82'
L14	S 26° 17' 01" W	477.04'
L15	N 89° 47' 52" W	732.08'
L16	N 00° 03' 08" E	200.00'
L17	N 89° 47' 52" W	153.20'
L18	S 00° 03' 33" W	310.33'
L19	S 66° 33' 26" W	402.55'
L20	S 75° 13' 12" W	211.20'
L21	N 21° 57' 05" W	593.43'
L22	N 20° 37' 22" W	811.06'
L23	N 29° 33' 29" W	581.91'
L24	N 23° 04' 37" E	33.39'

PARCEL IDENTIFICATION

SEE SHEET 2 OF 2

BOUNDARY DESCRIPTION (COMBINED PARCELS)

SEE SHEET 2 OF 2

OWNER'S CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED ARE THE OWNERS OF THE HEREIN DESCRIBED TRACT OF LAND, AND, BEING MAYOR OF THE PARK CITY MUNICIPAL CORPORATION, HAVE CAUSED THIS ANNEXATION PLAT TO BE PREPARED, IN WITNESS WHEREOF, I HAVE HEREBY CONSENTED TO THE RECORDATION OF THIS ANNEXATION PLAT.

JACK THOMAS, MAYOR

CORPORATE ACKNOWLEDGMENT

STATE OF UTAH) JACK THOMAS, MAYOR
COUNTY OF SUMMIT)

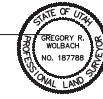
ON THE _____ DAY OF _____, 2012, PERSONALLY APPEARED BEFORE ME JACK THOMAS, WHO BEING BY ME DULY SWORN, DID SAY THAT HE IS MAYOR OF PARK CITY MUNICIPAL CORPORATION, AND DULY ACKNOWLEDGED TO ME THAT HE IS AUTHORIZED TO SIGN THE FOREGOING INSTRUMENT ON BEHALF OF SAID CORPORATION AND FURTHER ACKNOWLEDGED TO ME THAT SAID CORPORATION EXCLUDED THE SAME, BY ACTION OF THE CITY COUNCIL.

NOTARY PUBLIC

SURVEYOR'S CERTIFICATE

I, GREGORY R. WOLBACH, OF PARK CITY, UTAH, CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 187788, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT I HAVE PREPARED THIS PLAT BASED UPON OWNERSHIP INFORMATION ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER. I FURTHER CERTIFY THAT THIS PLAT ACCURATELY REPRESENTS THE AREA OF WHICH PARK CITY MUNICIPAL CORPORATION HAS PETITIONED TO ANNEX TO ITS CORPORATE LIMITS. THIS PLAT AND THE DESCRIPTION HEREON HAVE BEEN PREPARED FOR ANNEXATION PURPOSES ONLY AND DO NOT PURPORT TO REPRESENT OR ESTABLISH ACTUAL PROPERTY BOUNDARY LINES. I FURTHER CERTIFY THAT THIS ANNEXATION PLAT HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REGULATIONS OF THE LAW.

GREGORY R. WOLBACH



DATE: _____

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, AD 2014.

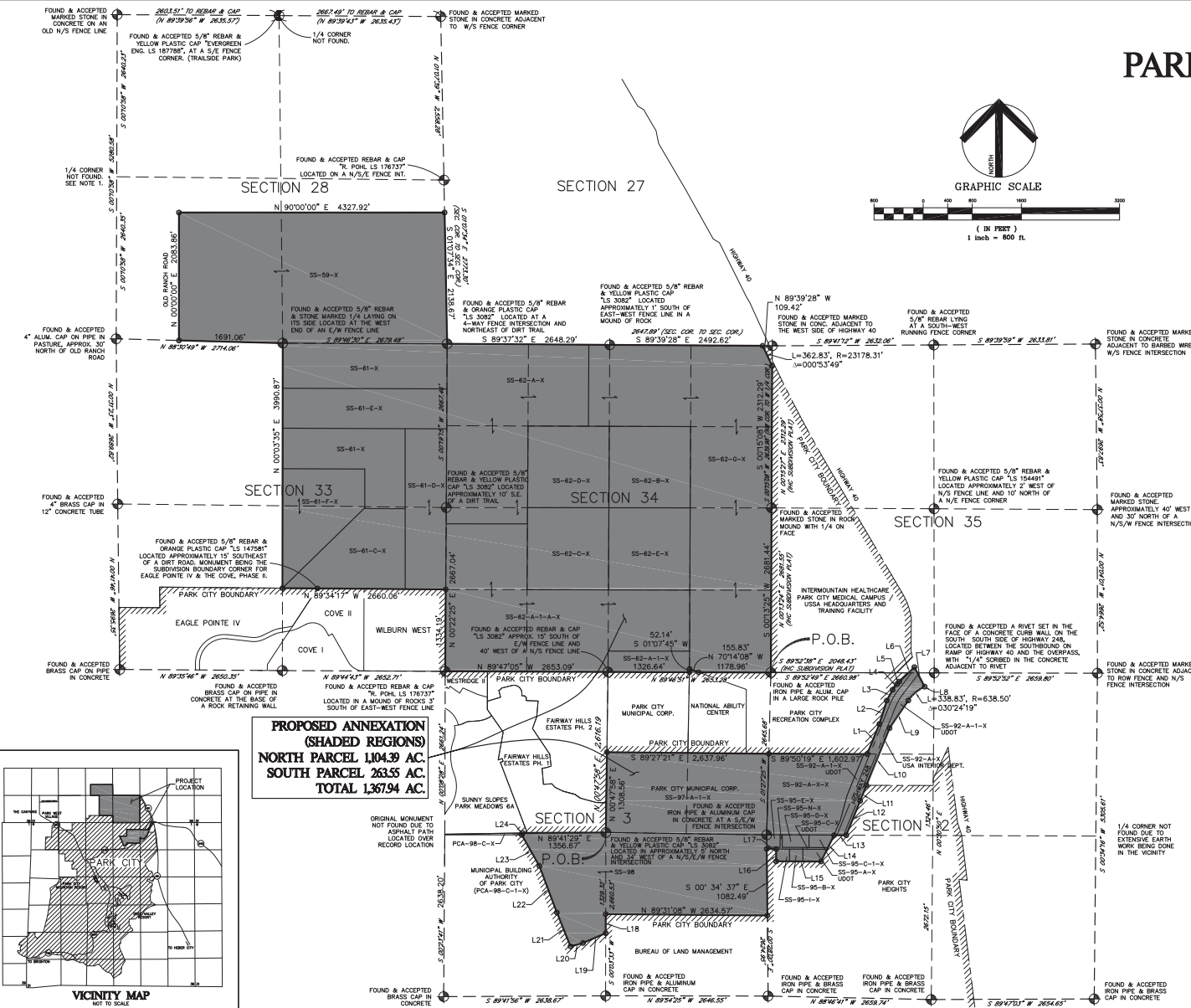
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

BY: SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

Evergreen Engineering, Inc.
Civil Engineering • Land Surveying • Land Planning
1070 Business Drive • Suite 104
P.O. Box 2881 • Park City • Utah • 84060
Phone: (435) 648-4667 • Fax: (435) 648-9219
E-mail: office@evergreen-eng.com



SHEET 1 OF 2
PLOTTED: MARCH 28, 2014
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CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS _____ DAY OF _____, AD. 20____

CHAIRMAN

CITY COUNCIL APPROVAL

PRESENTED TO THE BOARD OF _____ DAY OF _____, AD. 20____ AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED.

CITY RECORDER

CITY ENGINEER

THIS PLAT IS IN CONFORMANCE WITH INFORMATION ON FILE IN THE OFFICE OF THE PARK CITY ENGINEERING DEPARTMENT ON THIS _____ DAY OF _____, AD. 20____

CITY ENGINEER

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS _____ DAY OF _____, AD. 20____

CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE

APPROVED AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, AD. 20____

MAYOR

ROUND VALLEY PARK CITY ANNEXATION PLAT

LOCATED IN SECTIONS 28, 33, 34 & 35,
TOWNSHIP 1 SOUTH, RANGE 4 EAST,
AND IN SECTIONS 2 & 3,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE & MERIDIAN,
SUMMIT COUNTY, UTAH

BOUNDARY DESCRIPTION

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 34, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, UTAH, (BASIS OF BEARING NORTH 89°46'51" WEST A DISTANCE OF 2,653.28 FEET BETWEEN THE SOUTHEAST CORNER OF SAID SECTION 34 (A FOUND ALUMINUM CAP IN A ROCK PILE) AND THE SOUTH QUARTER CORNER OF SAID SECTION 34 (A FOUND REBAR WITH YELLOW CAP MARKED "LS #3082"); SAID POINT OF BEGINNING ALSO BEING ON THE NORTHERLY BOUNDARY LINE OF THE "PARK CITY RECREATION COMPLEX" SUBDIVISION AND THE SOUTHWEST CORNER OF THE "INTERMOUNTAIN HEALTHCARE PARK CITY MEDICAL CAMPUS / USSA HEADQUARTERS AND TRAINING FACILITY" SUBDIVISION; THENCE ALONG SAID NORTHERLY SUBDIVISION BOUNDARY LINE AND SAID SOUTHERLY LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 34, NORTH 89°46'51" WEST A DISTANCE OF 1,178.96 FEET TO A POINT ON THE NORTHERLY BOUNDARY LINE OF THE NATIONAL ABILITY CENTER; THENCE LEAVING SAID SECTION LINE AND CONTINUING ALONG SAID NATIONAL ABILITY CENTER BOUNDARY THE FOLLOWING TWO CALLS: (1) NORTH 70°14'08" WEST A DISTANCE OF 155.83 FEET; (2) SOUTH 01°07'45" WEST A DISTANCE OF 52.14 FEET TO A POINT ON THE SOUTHERLY LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 34; THENCE ALONG SAID SOUTHERLY QUARTER SECTION LINE, NORTH 89°46'51" WEST A DISTANCE OF 1,326.64 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 34, SAID POINT ALSO BEING THE NORTHEAST BOUNDARY CORNER OF THE "FAIRWAY HILLS ESTATES PHASE 2" SUBDIVISION; THENCE ALONG THE SOUTHERLY LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34 (ALSO BEING THE NORTHERLY BOUNDARY LINES OF THE SAID FAIRWAY HILLS ESTATES PHASE 2 AND WESTRIDGE II SUBDIVISION) NORTH 89°47'05" WEST A DISTANCE OF 2,653.09 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 34 (A FOUND REBAR WITH YELLOW CAP MARKED "R. POHL LS 1783737"); THENCE ALONG THE WESTERLY LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34, NORTH 02°22'25" EAST A DISTANCE OF 1,334.19 FEET; THENCE LEAVING SAID WESTERLY QUARTER SECTION LINE, NORTH 89°34'17" WEST A DISTANCE OF 2,660.06 FEET TO A POINT ON THE NORTH-SOUTH CENTER SECTION LINE OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, UTAH, SAID POINT ALSO BEING ON THE NORTHERLY BOUNDARY LINE OF "EAGLE POINTE IV" SUBDIVISION; THENCE LEAVING SAID NORTHERLY BOUNDARY LINE AND CONTINUING ALONG SAID NORTH-SOUTH CENTER SECTION LINE NORTH 00°03'35" EAST A DISTANCE OF 3,990.87 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 33 (A FOUND REBAR & STONE MARKED 1/4) SAID POINT ALSO BEING THE SOUTH QUARTER CORNER OF SECTION 28, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE ALONG THE SOUTHERLY LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 28, NORTH 88°30'49" WEST A DISTANCE OF 1,691.06 FEET; THENCE LEAVING SAID SOUTHERLY QUARTER SECTION LINE, NORTH 00°00'00" EAST A DISTANCE OF 2,083.86 FEET; THENCE NORTH 90°00'00" EAST 4,327.92 FEET TO A POINT ON THE EASTERLY LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 28; THENCE ALONG SAID EASTERLY QUARTER SECTION LINE, SOUTH 01°07'34" EAST A DISTANCE OF 2,138.67 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 28 (A FOUND REBAR WITH ORANGE PLASTIC CAP MARKED "LS #3082"); THENCE ALONG THE NORTHERLY LINE OF THE NORTHWEST QUARTER OF SECTION 34 SOUTH 89°37'32" EAST A DISTANCE OF 2,648.29 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 34 (A FOUND REBAR WITH YELLOW PLASTIC CAP MARKED "LS #3082"); THENCE ALONG THE NORTHERLY LINE OF THE NORTHEAST QUARTER OF SAID SECTION 34 SOUTH 89°39'28" EAST A DISTANCE OF 2,492.62 FEET TO A POINT ON THE WESTERLY BOUNDARY LINE OF THE "INTERMOUNTAIN HEALTHCARE PARK CITY MEDICAL CAMPUS / USSA HEADQUARTERS AND TRAINING FACILITY" SUBDIVISION, SAID POINT BEING ON A 23,178.31 FOOT RADIUS CURVE TO THE LEFT; THENCE ALONG SAID WESTERLY BOUNDARY LINE THE FOLLOWING THREE (3) CALLS: (1) THENCE 362.82 FEET ALONG THE ARC OF SAID 23,178.31 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 0°53'49" TO A POINT ON THE EASTERLY LINE OF THE NORTHEAST QUARTER OF SAID SECTION 34; (2) THENCE ALONG SAID EASTERLY QUARTER SECTION LINE, SOUTH 00°15'08" WEST A DISTANCE OF 2,312.29 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 34 (A FOUND STONE MARKED 1/4 IN A ROCK MOUND); (3) THENCE ALONG THE EASTERLY LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 34, SOUTH 00°13'25" WEST A DISTANCE OF 2,681.44 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 34, ALSO BEING THE POINT OF BEGINNING.

BOUNDARY DESCRIPTION (CONTINUED)

ALSO INCLUDING THE FOLLOWING:

BEGINNING AT THE CENTER OF SECTION 3, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, UTAH, (BASIS OF BEARING NORTH 00°47'58" EAST A DISTANCE OF 2,616.19 FEET BETWEEN THE CENTER OF SAID SECTION 3 (A FOUND REBAR WITH YELLOW CAP MARKED "LS #3082") AND THE NORTH QUARTER CORNER OF SAID SECTION 3 (A FOUND REBAR WITH YELLOW CAP MARKED "LS #3082"); THENCE ALONG THE NORTH-SOUTH CENTER SECTION LINE OF SAID SECTION 3, NORTH 00°47'58" EAST A DISTANCE OF 1,308.56 FEET; THENCE LEAVING SAID NORTH-SOUTH CENTER SECTION LINE SOUTH 89°27'21" EAST A DISTANCE OF 2,637.96 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 3, SAID POINT ALSO BEING ON THE SOUTHERLY BOUNDARY OF PARK CITY RECREATION COMPLEX SUBDIVISION; THENCE ALONG SAID SOUTHERLY BOUNDARY LINE SOUTH 89°50'19" EAST A DISTANCE OF 1,602.87 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY OF STATE ROUTE 248; THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY AND EASTERLY BOUNDARY OF SAID PARK CITY RECREATION COMPLEX SUBDIVISION THE FOLLOWING SIX (6) CALLS: (1) THENCE NORTH 22°07'00" EAST A DISTANCE OF 927.41 FEET; (2) THENCE NORTH 17°42'46" EAST A DISTANCE OF 399.75 FEET; (3) NORTH 28°04'06" EAST A DISTANCE OF 200.00 FEET; (4) THENCE NORTH 37°37'06" EAST A DISTANCE OF 115.81 FEET; (5) THENCE NORTH 42°52'13" EAST A DISTANCE OF 57.93 FEET; (6) THENCE NORTH 46°13'24" EAST A DISTANCE OF 339.56 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF HIGHWAY 40; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY SOUTH 27°45'07" EAST A DISTANCE OF 360.10 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY OF STATE ROUTE 248; THENCE ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE THE FOLLOWING SIX (6) CALLS: (1) THENCE SOUTH 63°51'50" WEST A DISTANCE OF 13.75 FEET TO A POINT ON A 638.50 FOOT RADIUS CURVE TO THE LEFT; (2) THENCE ALONG THE ARC OF SAID CURVE 338.83 FEET THROUGH A CENTRAL ANGLE OF 30°24'19"; (3) THENCE SOUTH 34°07'11" WEST A DISTANCE OF 544.70 FEET; (4) THENCE SOUTH 22°00'39" WEST 1,005.18 FEET; (5) THENCE SOUTH 21°58'40" WEST A DISTANCE OF 273.27 FEET; (6) THENCE SOUTH 22°02'04" WEST 602.76 FEET TO A POINT ON THE EAST-WEST CENTER SECTION LINE OF SAID SECTION 2; THENCE LEAVING SAID SOUTHEASTERLY RIGHT-OF-WAY LINE AND CONTINUING ALONG SAID EAST-WEST CENTER SECTION LINE SOUTH 89°47'17" WEST A DISTANCE OF 199.82 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID STATE ROUTE 248; THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, SOUTH 26°17'01" WEST A DISTANCE OF 477.04 FEET; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE NORTH 89°47'52" WEST A DISTANCE OF 732.08 FEET; THENCE NORTH 00°03'08" EAST A DISTANCE OF 200.00 FEET; THENCE NORTH 89°47'52" WEST A DISTANCE OF 153.20 FEET TO THE EASTERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE ALONG SAID EASTERLY QUARTER SECTION LINE SOUTH 00°34'37" EAST A DISTANCE OF 1,082.49 FEET TO THE EAST-WEST 1/16TH LINE OF SAID SECTION 3; THENCE ALONG SAID EAST-WEST 1/16TH LINE NORTH 89°31'08" WEST A DISTANCE OF 2,634.57 FEET TO THE NORTH-SOUTH CENTER SECTION LINE OF SAID SECTION 3; THENCE ALONG SAID NORTH-SOUTH CENTER SECTION LINE SOUTH 00°03'33" WEST A DISTANCE OF 310.33 FEET TO A POINT ON THE NORTHERLY BOUNDARY LINE OF TAX PARCEL PCA-98-C-1-X; THENCE ALONG SAID NORTHERLY BOUNDARY LINE THE FOLLOWING FIVE (5) CALLS: (1) THENCE SOUTH 66°33'26" WEST A DISTANCE OF 402.55 FEET; (2) THENCE SOUTH 75°13'12" WEST A DISTANCE OF 211.20 FEET; (3) THENCE NORTH 21°57'05" WEST A DISTANCE OF 593.43 FEET; (4) THENCE NORTH 20°37'22" WEST A DISTANCE OF 611.08 FEET; (5) THENCE NORTH 29°33'29" WEST A DISTANCE OF 581.91 FEET TO A POINT ON THE EASTERLY LINE OF TAX PARCEL PCA-98-C-X; THENCE ALONG SAID EASTERLY LINE NORTH 23°04'37" EAST A DISTANCE OF 33.39 FEET TO THE SOUTHERLY LINE OF "SUNNY SLOPES PARK MEADOWS SUBDIVISION NO. 6A"; THENCE ALONG SAID SOUTHERLY LINE OF "SUNNY SLOPES PARK MEADOWS SUBDIVISION NO. 6A" AND ALONG THE SOUTHERLY LINE OF "FAIRWAY HILLS ESTATES PHASE 1" SUBDIVISION NORTH 89°41'29" EAST A DISTANCE OF 1,356.67 FEET TO THE CENTER OF SAID SECTION 3, ALSO BEING THE POINT OF BEGINNING.

CONTAINING APPROXIMATELY 1,367.16 ACRES.

PARCEL IDENTIFICATION

PARK CITY MUNICIPAL CORPORATION LAND, AS FOLLOWS:

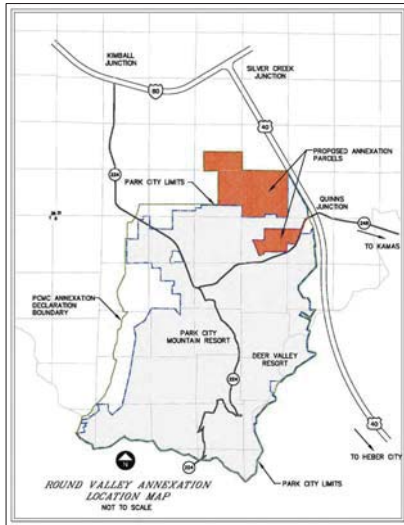
- SECTION 28, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN:
 - * SUMMIT COUNTY TAX SERIAL NO. SS-59-X (PCMC)
- SECTION 33, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN:
 - * SUMMIT COUNTY TAX SERIAL NO. SS-61-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-61-C-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-61-D-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-61-E-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-61-F-X (PCMC)
- SECTION 34, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN:
 - * SUMMIT COUNTY TAX SERIAL NO. SS-62-A-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-62-B-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-62-C-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-62-D-X (PCMC)
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 - * SUMMIT COUNTY TAX SERIAL NO. SS-62-G-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-62-A-1-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-62-A-1-A-X (PCMC)
- SECTION 2, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN:
 - * SUMMIT COUNTY TAX SERIAL NO. SS-92-A-X (U.S.A., INTERIOR DEPT.)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-92-A-1-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-92-A-1-X (UDOT)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-95-A-X (UDOT)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-95-B-X (PCMC)
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 - * SUMMIT COUNTY TAX SERIAL NO. SS-95-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-95-N-X (PCMC)
- SECTION 3, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN:
 - * SUMMIT COUNTY TAX SERIAL NO. SS-97-A-1-X (PCMC)
 - * SUMMIT COUNTY TAX SERIAL NO. SS-98 (STEPHEN A. OSGUTHORPE, TRUSTEE)

SHEET 2 OF 2
PLOTTED: MARCH 28, 2014
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**Evergreen
Engineering, Inc.**

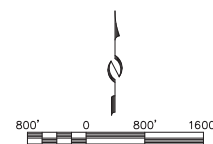
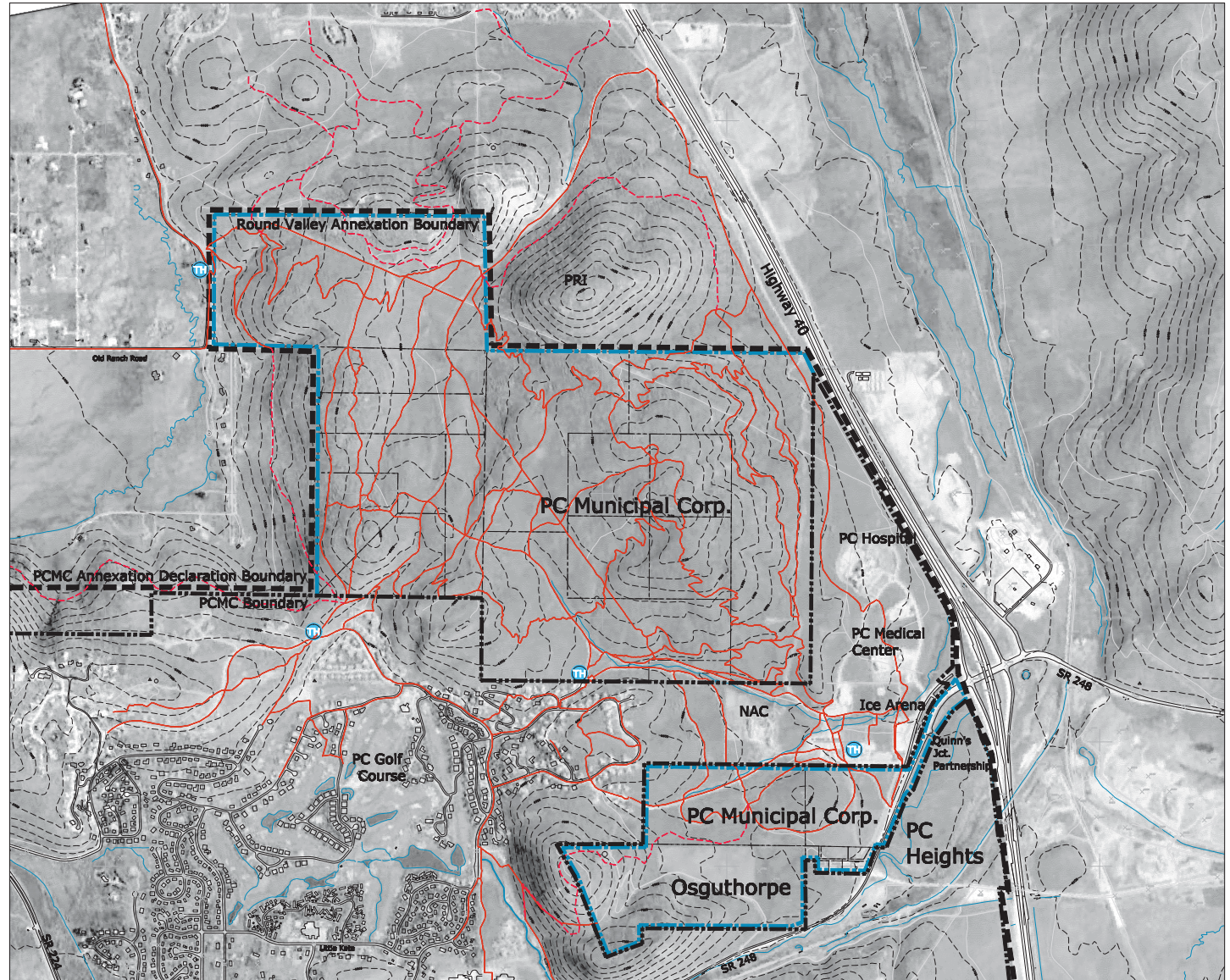
Civil Engineering • Land Surveying • Land Planning
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E-mail: office@evergreen-eng.com





LEGEND

- · — · — Round Valley Annexation Boundary
- - - - - PCMC Annexation Declaration Boundary
- · - · - Existing PCMC Boundary
- — — — — Existing Round Valley trails and jeep roads
- - - - - Proposed Round Valley trails
- TH Existing trailheads



 (435) 640-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 322 Main Street P.O. Box 2654 Park City, Utah 84060-2654	STAFF: STEVE SCHUELER DATE: 6/16/13	ROUND VALLEY ANNEXATION PETITION Existing Conditions + Ortho-Photo PARK CITY MUNICIPAL CORPORATION FOR: PCMC JOB NO.: 7-1-12 FILE: X:\Quinn's Junction\dwg\Existing Conditions map no ortho.dwg	SHEET 1 OF 1
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DRAFT**When recorded, please return to:**

PARK CITY MUNICIPAL CORPORATION

City Recorder

P O Box 1480

Park City UT 84060

ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT (this “**Agreement**”) is made by and between Park City Municipal Corporation (hereinafter, “**PCMC**” or the “**City**”) and Park City Municipal Corporation (Sponsor), Afton Stephen Osguthorpe, and Utah Department of Transportation (UDOT) (hereinafter, “**Petitioners**”) to set forth the terms and conditions under which Park City will annex certain land owned by Petitioners (hereinafter, “**Round Valley Park City**” or “**Petitioner’s Properties**” or “**Annexation Properties**”), consisting of approximately 1,368 acres and located in unincorporated Summit County, Utah, north of State Road 248, east of Old Ranch Road, west of US 40, and south of the Trailside Neighborhood in unincorporated Summit County. The Round Valley Park City Annexation Properties consist of multiple parcels grouped into a north area and a south area. Both areas are proposed to be annexed into Park City’s municipal boundaries. The north area includes the 1,104 acre north Round Valley Open Space parcels. The south area includes the 264 acre south Round Valley Open Space parcels, the 121 acre Osguthorpe owned agricultural fields, and eight small parcels (total of 8.42 acres) located off of SR 248 across from the Quinn’s Water Treatment Plant at the intersection of SR 248 and Richardson Flats Road, aka the “Gordo parcels”, as depicted on the proposed Annexation Plat (**Exhibit A- annexation plat**).

The north parcels are undeveloped open space consisting of rolling hills, ridges, draws, and a main central valley (Round Valley). Vegetation is primarily sage brush, oak, grasses and other native trees and shrubs. Numerous non-motorized trails have been constructed in the area, utilized by hikers, bikers, runners, snowshoers and skiers. Access to these parcels and trails is from various public trailheads. The south parcels are also undeveloped open space, of similar nature to the north parcels and contain a network of non-motorized public trails, accessed from a trailhead located south of the Park City Quinn’s Recreation Complex. Agricultural uses are permitted on the Osguthorpe parcel (subject to a Conservation easement deed and agreement).and will continue to be allowed as an existing non-conforming use within the ROS zone. (**Exhibit B- existing conditions**). Two of the eight “Gordo parcels”, located within the south parcel area, are owned by UDOT and are unrestricted, with the remaining six parcels owned by Park City. Four of the City “Gordo parcels” parcels are encumbered with deed restrictions limiting use to recreation open space, as described below. Two of the City “Gordo parcels” are not encumbered with restrictions, as they were purchased by the City, in 2008 for the purpose of land banking the property to allow time for Council to discuss the best potential uses for the land which may include; open space, affordable housing or additional areas needed for current operations on City land, such as recreation and/or public works support.

With the exception of the UDOT parcels and two of the Gordo parcels, the entirety of the Annexation Properties are subject to conservation easements and/or various deed restrictions, as

described below and are intended to stay as open space consistent with applicable restricted covenants and/or funding source. Most of the property has been purchased by Park City as open space with open space funds and is permanently restricted for open space uses as spelled out in each deed restriction and conservation easement (**Exhibit C- conservation easement and deed restricted property**). The annexation does not change or remove any of these existing restrictions or easements.

Together, the annexation of these parcels shall be referred to as the Round Valley Park City Annexation; the petition to annex these parcels shall be referred to as the “Annexation Petition;” and both the north and south areas shall be referred to as the “Annexation Property” or “Annexation Properties.” The Round Valley Park City Annexation Petition requests annexation into the corporate limits of Park City and extension of municipal services to the Annexation Property as needed for anticipated future uses. The City and Petitioner are sometimes collectively referred to in this Agreement as the “Parties” or individually as a “Party”. This Agreement is made under authority of §§ 10-2-401 et. Seq. of the Utah Code, Annotated 1953, as amended “**MLUDMA**”).

WHEREAS, the Round Valley Park City Annexation includes the following parcels:

PARK CITY MUNICIPAL CORPORATION LAND, AS FOLLOWS:

SECTION 28, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN:

* SUMMIT COUNTY TAX SERIAL NO. SS-59-X (PCMC)

SECTION 33, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN:

* SUMMIT COUNTY TAX SERIAL NO. SS-61-X (PCMC)

* SUMMIT COUNTY TAX SERIAL NO. SS-61-C-X (PCMC)

* SUMMIT COUNTY TAX SERIAL NO. SS-61-D-X (PCMC)

* SUMMIT COUNTY TAX SERIAL NO. SS-61-E-X (PCMC)

* SUMMIT COUNTY TAX SERIAL NO. SS-61-F-X (PCMC)

SECTION 34, TOWNSHIP 1 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN:

* SUMMIT COUNTY TAX SERIAL NO. SS-62-A-X (PCMC)

* SUMMIT COUNTY TAX SERIAL NO. SS-62-B-X (PCMC)

* SUMMIT COUNTY TAX SERIAL NO. SS-62-C-X (PCMC)

* SUMMIT COUNTY TAX SERIAL NO. SS-62-D-X (PCMC)

* SUMMIT COUNTY TAX SERIAL NO. SS-62-E-X (PCMC)

* SUMMIT COUNTY TAX SERIAL NO. SS-62-G-X (PCMC)

* SUMMIT COUNTY TAX SERIAL NO. SS-62-A-1-X (PCMC)

* SUMMIT COUNTY TAX SERIAL NO. SS-62-A-1-A-X (PCMC)

SECTION 2, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN:

* SUMMIT COUNTY TAX SERIAL NO. SS-92-A-X (U.S.A., INTERIOR DEPT.)

* SUMMIT COUNTY TAX SERIAL NO. SS-92-A-X-X (PCMC)

* SUMMIT COUNTY TAX SERIAL NO. SS-92-A-1-X (UDOT)

* SUMMIT COUNTY TAX SERIAL NO. SS-95-A-X (UDOT)

* SUMMIT COUNTY TAX SERIAL NO. SS-95-B-X (PCMC)

* SUMMIT COUNTY TAX SERIAL NO. SS-95-C-1-X (PCMC)

- * SUMMIT COUNTY TAX SERIAL NO. SS-95-C-X (UDOT)
- * SUMMIT COUNTY TAX SERIAL NO. SS-95-D-X (PCMC)
- * SUMMIT COUNTY TAX SERIAL NO. SS-95-E-X (PCMC)
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- * SUMMIT COUNTY TAX SERIAL NO. SS-95-N-X (PCMC)
- SECTION 3, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN:
- * SUMMIT COUNTY TAX SERIAL NO. SS-97-A-1-X (PCMC)
- * SUMMIT COUNTY TAX SERIAL NO. SS-98 (STEPHEN A. OSGUTHORPE, TRUSTEE)

WHEREAS, in furtherance of the foregoing, the Petitioners desire to annex the Round Valley Park City property into the corporate limits of the City and, to that end, a complete Annexation Petition for the Annexation Property was filed with the City on March 11, 2013. The Annexation Petition was accepted by the City Council on March 21, 2013, and certified by the City Recorder on April 22, 2013. The first public hearing was conducted by the Planning Commission on February 26, 2014. A subsequent public hearing was conducted by the Planning Commission on August 27, 2014 and a recommendation was forwarded to the City Council on September 24, 2014.

WHEREAS, in connection with the Round Valley Park City Annexation, the entire Annexation Property is proposed to be zoned Recreation Open Space (ROS). The purpose of the ROS zone is to establish and preserve open space areas, covered with vegetation and substantially free from structures, streets, and parking lots. The ROS zone permits as allowed, and as conditional, recreational uses, such as trails and trailheads; outdoor recreation equipment; essential municipal public utility use, service or structures; accessory buildings; agricultural and conservation activities; raising and grazing of horses and livestock; and a wide variety of recreation facilities. The ROS zoning district is more fully described in the City's Land Management Code, Section 15-2.7.

NOW, THEREFORE, in furtherance of the Annexation Petition, in consideration of City's action to annex Petitioner's property, and in consideration of the mutual promises contained herein, as well as the mutual benefits to be derived here from, the Parties agree that the terms and conditions of the Round Valley Park City Annexation shall be as follows:

1. **Property.** The Round Valley Park City Annexation Properties to be annexed consist of approximately 1,368 acres in area, as depicted on the annexation plat attached as **Exhibit A** (the "**Annexation Plat**") and as more fully described in the legal descriptions on Sheet Two.
2. **Zoning.** Upon Annexation, the Round Valley Park City parcels will be zoned Recreation Open Space (ROS) and Frontage Protection Zone (FPZ), for those properties with frontage on State Road 248. The official zoning map of Park City shall be amended to include these properties and zoning designations (see **Exhibit D- Zoning Map amendment**).
3. **Subdivision; Density and Phasing.** With the exception of the UDOT parcels and Parcels SS-95-I-X and SS-95-B-X, the two one acre City owned "Gordo parcels", the Annexation Property is subject to various deed restrictions and/or Conservation Easements described below.

Uses of the Park City Round Valley Annexation Properties must comply with the ROS zoning and existing deed restrictions and conservation easements on record with Summit County. Future development of the unrestricted City and UDOT “Gordo parcels” may require a separate Subdivision Plat depending on the uses proposed and whether future building permits require legally platted lots. Uses consistent with the ROS zone, including Essential Municipal Public Utility, Use, Facility, Service, and Structures, shall be permitted subject to approval of a Conditional Use Permit, as required by the Land Management Code. Further restrictions of the property may be included in the conditions of approval of any required Subdivision plat and/or Conditional Use Permit.

The land use development of the Property shall be governed by this Annexation Agreement, all existing and recorded deed restrictions and conservation easements described herein, the ROS and FPZ zoning designation provided herein, and by any required Subdivision Plat conditions of approval.

Construction and alignment of any required sanitary sewer line extensions and any required storm water detention facilities shall be established as part of any required Subdivision Plat for the Property (to be as accepted by the City and filed in the official real estate records of Summit County, Utah, the “**Subdivision Plat**”). The preferred alignment of any required sanitary sewer and/or on-site storm water detention facilities, or alternatives, as approved by the Park City Engineer, shall be that alignment and/or location which results in the least visual impact and site disturbance while meeting the site design and construction requirements of the Snyderville Basin Water Reclamation District and City Engineer. The timing for construction of storm water detention facilities shall be determined by the City Engineer, (the “**Storm Detention Facilities**”). Maintenance of on-site storm water detention facilities will be the responsibility of the Property Owner.

Subject to fulfillment of all the conditions of the Subdivision Ordinance and, further, Park City’s final approval of the construction of any such public improvements, those water facilities, utilities, fire hydrants, and easements as may be agreed by Parties in connection with the Subdivision Plat review and approval process (the “Public Improvements”), shall be conveyed and dedicated to the City, for public purposes.

4. **Trails and Sidewalks.** Any obligations or guarantees with respect to the construction of trails and sidewalks on the Property shall be consistent with the City’s Trails Master Plan.

5. **Fire Prevention Measures.** Because of potential wild land interface issues on the Petitioner’s Property, the Petitioner (or, as specified in connection with any such assignment, its assigns) agrees to implement a fire protection and emergency access plan, to be submitted prior to the issuance of any building permits, to be reviewed and approved by the Fire Marshall and Chief Building Official for compliance with applicable building and fire codes. Such plan may include a requirement for fire sprinkler systems for all structures. Fire and emergency access and fire hydrants shall be installed as required by the fire protection plan prior to issuance of any full building permits on the Property.

6. **Roads and Road Design.** No public streets are proposed to be constructed on any of the Petitioner’s Property. Any roads incorporated as part of this annexation will remain under their current jurisdiction. Any changes to road ownership must follow a separate process as defined in the state statutes.

7. **Water Rights.** Pursuant to the Annexation Petition Report (**Exhibit E- annexation petition report**) known water rights associated with the Annexation Properties are limited to the Osguthorpe Parcel (SS-98-X) with 102 acre feet within an 1878 priority. The Osguthorpe Parcel was placed in a conservation easement in 2010, removing development rights and ensuring agricultural use of the property. Park City Municipal Corporation has first right of refusal for purchase or lease of the property.

8. **Affordable Housing Requirement.** Affordable/employee housing shall be provided in a manner consistent with the City's Affordable Housing Resolution 20-07 to be determined at the time any required Subdivision Plat is approved by the City Council depending on uses proposed.

9. **Sustainable Development requirements.** All construction within any required Subdivision shall utilize sustainable site design, development and building practices and otherwise comply with requirements of the ROS Zone.

10. **Planning Review Fees.** Property Owners within the Annexation Property shall be responsible for all standard and customary fees, including generally-applicable planning, building, subdivision and construction inspection fees imposed by the City in accordance with the Park City Land Management Code, Park City Administrative Policy and the Park City Municipal Code.

11. **Impact and Building Fees.** Lot owners of lots within any future subdivision shall be responsible for all standard and customary, and generally-applicable, fees, such as development, impact, park and recreation land acquisition, building permit and plan check fees due and payable for construction on the Property at the time of application for any building permits, unless such fees are waived by the City Council or City Manager. Ownership of water rights shall not change the application of the Impact Fee Ordinance to the Property.

12. **Snow Removal and Storage.** Snow removal from private roads shall be the responsibility of the Property Owners. Park City shall not be obligated to remove snow from private sidewalks or trails unless such sidewalks or trails are classified as part of a community trail system and incorporated into the City wide snow removal program.

13. **Fiscal Impact Analysis.** The revised Annexation Report, prepared by Alliance Engineering for the Petitioners, dated June 17, 2013, included a Fiscal Impact Analysis that has been reviewed by the Planning Staff and Planning Commission. The Fiscal Impact Analysis concludes that the Annexation will not alter any existing or projected demographic or economic conditions in the Park City area, or within the Annexation Properties, as there is no population or economic base within the Annexation Properties at the time of this annexation. Projected revenue as a result of this annexation is negligible as no revenue generating activities are proposed. The annexation will not result in an overall negative impact on the City or School District.

14. **Effective Date.** This Annexation Agreement is effective upon recordation of the annexation plat and the filing and recordation of the annexation ordinance, and further, the City provides notice of the recordation to the parties of this Annexation Agreement.

15. **Governing Law; Jurisdiction and Venue.** The laws of the State of Utah shall govern this Annexation Agreement. The City and Petitioners agree that jurisdiction and venue are proper in Summit County.

16. **Real Covenant, Equitable Servitude.** This Annexation Agreement constitutes a real covenant and an equitable servitude on the Properties. The terms of this Agreement touch and concern and both benefit and burden the Property. The benefits and burdens of this Agreement run with the land, and are intended to bind all successors in interest to any portion of the Property. This Agreement, a certified copy of the ordinance approving the Annexation (**the “Annexation Ordinance”**), and the Annexation Plat shall be recorded in the County Recorder’s Office of Summit County, Utah.

17. **Assignment.** Neither this Agreement nor any of the provisions, terms or conditions hereof may be assigned to any other party, individual or entity without assigning the rights as well as the responsibilities under this Agreement and without the prior written consent of the City, which consent shall not be unreasonably withheld, conditioned or delayed. Any such request for assignment may be made by letter addressed to the City and the prior written consent of the City may also be evidenced by letter from the City to Petitioners or its successors or assigns; provided that, notwithstanding the foregoing, the City hereby consents to the assignment of the rights and responsibilities, and the benefits, of this Agreement, in whole or in part, upon written notice to the City; and provided that, in connection with and to the extent of any such assignment, Petitioners shall not have any further rights or responsibilities under this Agreement as and to the extent accruing from and after the date of any such assignment. Moreover, any substantive amendments to this Annexation Agreement shall be processed in accordance with the Park City Land Management Code and MLUDMA in effect at the time an application for amendment is filed with the City Planning Department.

18. **Compliance with City Code.** Notwithstanding Paragraph 19 of this Agreement, from the time the Park City Council (the “**City Council**”) approves of this Agreement and upon completion of the Annexation by recordation of the annexation plat with the County Recorder’s Office of Summit County, Utah, the Property shall be subject to compliance with any and all City Codes and Regulations pertaining to the Property.

19. **Full Agreement.** This Agreement, together with the recitals and exhibits attached to this Agreement (which are incorporated in and made a part of this Agreement by this reference), and the written agreements expressly referenced herein, contain the full and complete agreement of the Parties regarding the Annexation of the Annexation Properties into the City. Only a written instrument signed by all Parties, or their successors or assigns, may amend this Annexation Agreement.

20. **No Joint Venture, Partnership or Third Party Rights.** This Agreement does not create any joint venture, partnership, undertaking or business arrangement among the Parties. Except as otherwise specified herein, this Agreement, the rights and benefits under this Agreement, and the terms or conditions hereof, shall not inure to the benefit of any third party.

21. **Vested Rights.** Subject to the provisions of this Agreement, Petitioners (or their assigns) shall have the right to propose future uses, whether allowed or conditioned uses, in accordance with this Annexation Agreement, all existing or future deed restrictions and conservation easements as described herein, the ROS Zoning, and where applicable the Frontage Protection Zoning (FPZ), Regulations in

effect at the time any proposal for future use is submitted to the City, and any conditions of approval of a Subdivision Plat, if such plat is required, subject to and in compliance with other applicable ordinances and regulations of Park City.

22. Nature of Obligations of Petitioners. Petitioners are liable for performance of the obligations imposed under this Agreement only with respect to the portion of property which it owns and shall not have any liability with respect to the portion of the property owned by the City.

23. Severability. If any part or provision of this Annexation Agreement shall be determined to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, then such a decision shall not affect any other part or provision of this Annexation Agreement except that specific provision determined to be unconstitutional, invalid, or enforceable. If any condition, covenant or other provision of the Annexation Agreement shall be deemed invalid due to its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by the law.

IN WITNESS WHEREOF, the parties hereto have executed this Annexation Agreement as of the _____ day of _____, 2014.

(Signatures begin on following page)

PARK CITY MUNICIPAL CORPORATION,
A political subdivision of the State of Utah

By: _____
Jack Thomas, Mayor

Dated this _____ day of _____, 2014.

ATTEST: City Clerk

By: _____
Marci Heil, City Recorder

Dated this _____ day of _____, 2014.

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Dated this _____ day of _____, 2014.

Park City Municipal Corporation, Petitioner

By: _____

Name: _____

Dated this____ day of _____, 2014

Acknowledgement (notary)

Afton Stephen Osguthorpe Family Trust, Petitioner

By: _____

Name: _____

Dated this____ day of _____, 2014

Acknowledgement (notary)

UDOT, Petitioner

By: _____

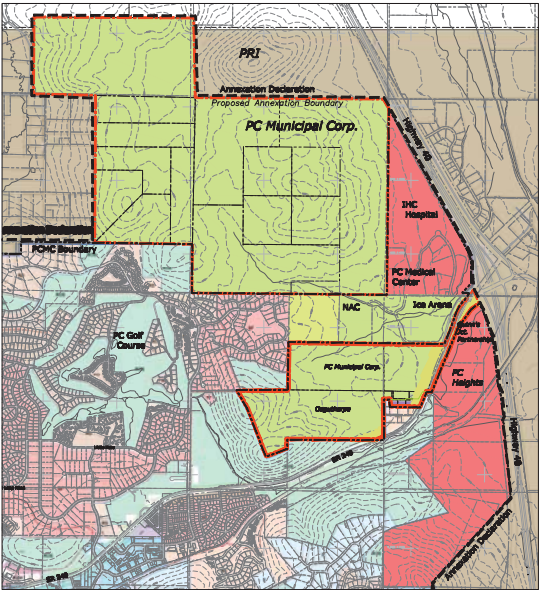
Name: _____

Dated this ____ day of _____, 2014

Acknowledgement (notary)

Exhibits (see staff report for these exhibits- will be attached to Annexation Agreement for publication and recordation)

- A. Annexation Plat and Legal Descriptions
- B. Existing Conditions Map
- C. Conservation Easement and Deed Restricted Property Map
- D. Zoning Map Amendment
- E. Annexation Petition Report



Overall Annexation Area
Not to scale

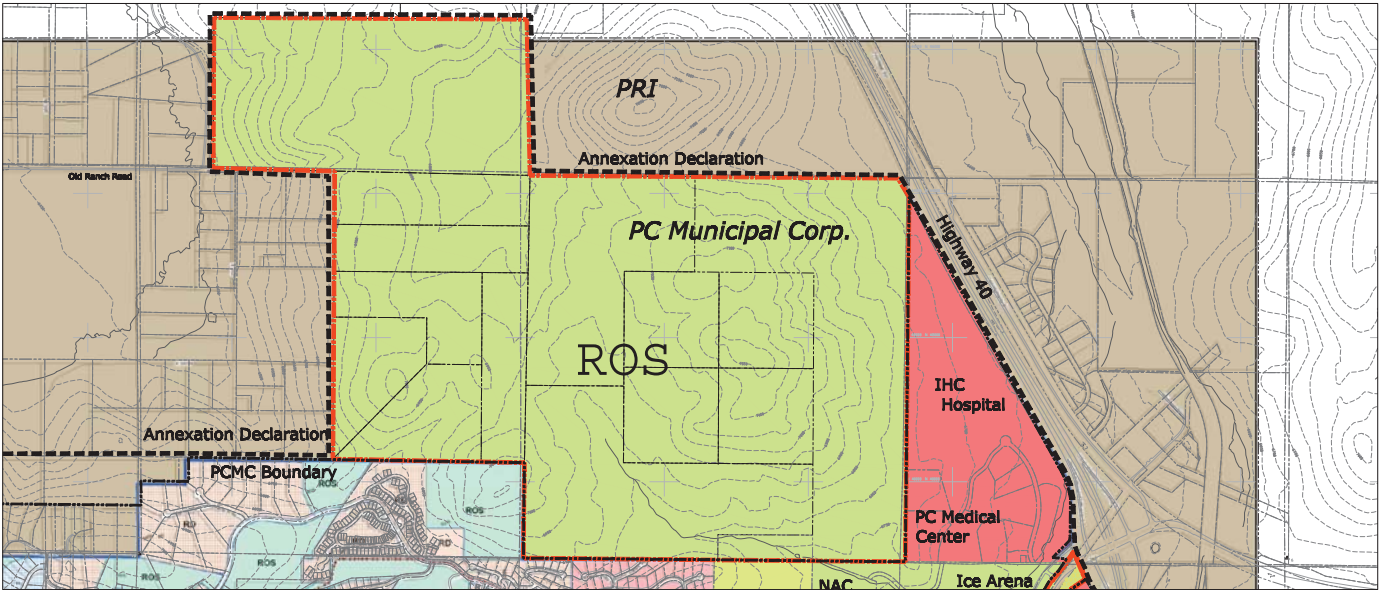
Proposed Zoning

- Recreation Open Space (ROS) [Green Box]
- Light Industrial (LI) [Purple Box]
- Frontage Protection Zone (FPZ) [Yellow Box]

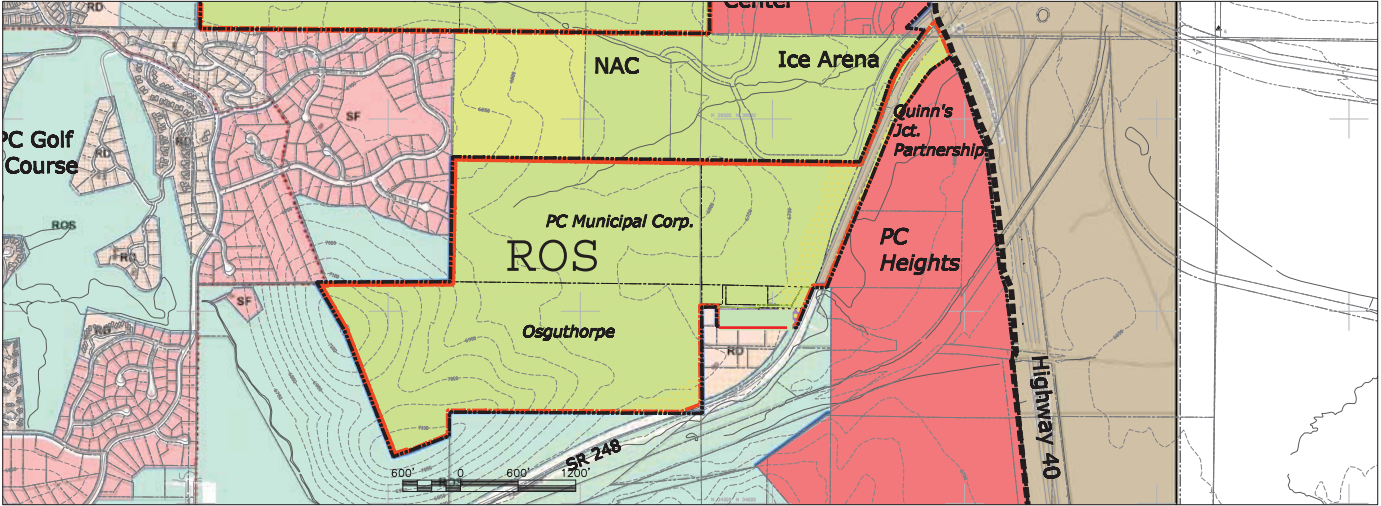
Existing Zoning-Surrounding Areas

- Community Transition (CT) [Red Box]
- Recreation Open Space (ROS) [Green Box]
- Preservation Open Space (POS) [Light Green Box]
- Estate (E) [Blue Box]
- Single Family (SF) [Pink Box]
- Residential Development (RD) [Orange Box]
- Light Industrial (LI) [Purple Box]

- Round Valley Annexation Boundary [Red Dashed Line]
- PCMC Annexation Declaration Boundary [Black Dashed Line]
- Existing PCMC Boundary [Black Solid Line]



North Parcel



South Parcel

 (435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2654 Park City, Utah 84050-2654	STAFF: STEVE SCHUELER	ROUND VALLEY ANNEXATION PETITION PROPOSED ZONING PARK CITY MUNICIPAL CORPORATION	SHEET 1 OF 1
	DATE: 5/30/14	FOR: PCMC JOB NO.: 7-1-12 FILE: X:\Quinn's Junction\dwg\Zoning Map.dwg	



A View of South RV from Park Meadows



B View from West RV/ Matt's Flat Trail



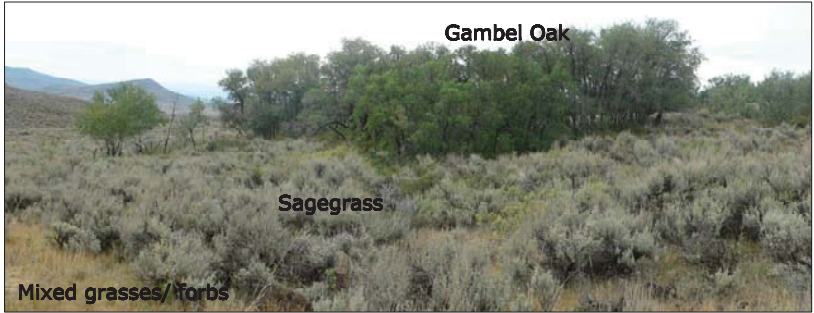
C View from SR 248 looking West



D View from Hwy. 40 looking West

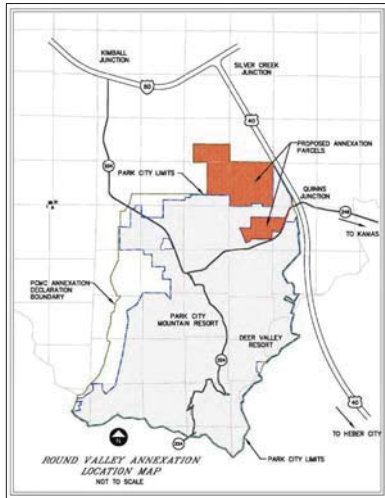


Viewpoint Legend (NTS)



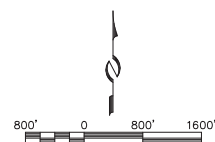
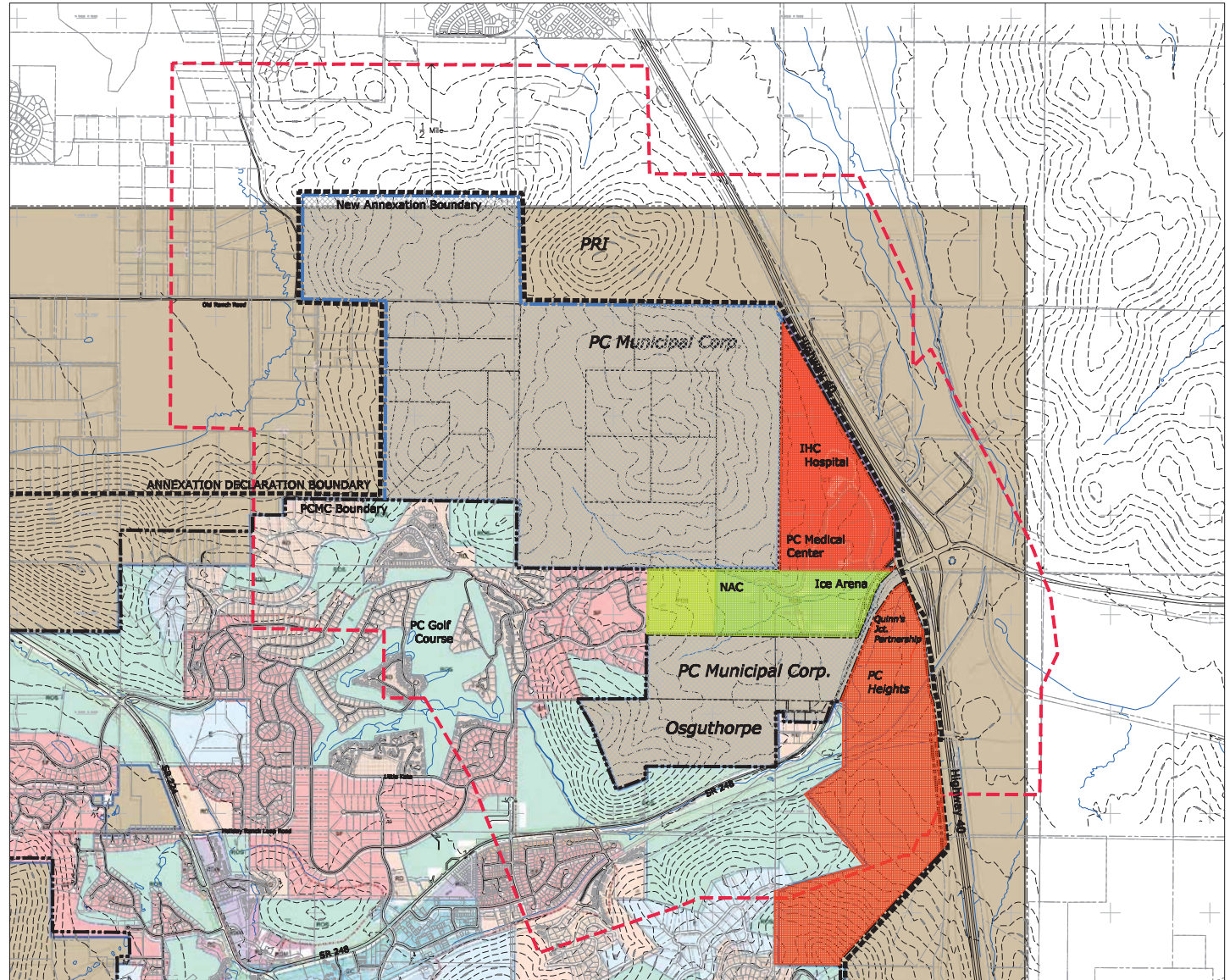
Prototypical vegetation patterns

 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street, P.O. Box 2654 Park City, Utah 84050-2654	(435) 649-9457 STAFF: STEVE SCHUELER	VIEWSHED CORRIDORS + SITE IMAGES ROUNDVALLEY ANNEXATION FOR: PCMC JOB NO.: 7-1-12 FILE: X:\Quinn\Annex\Annex 2012\view_corridors.dwg	SHEET 1 OF 1



LEGEND

- — — — — Round Valley Annexation Boundary
- - - - - PCMC Annexation Declaration Boundary
- - - - - Existing PCMC Boundary
- - - - - 1/2 Mile Boundary

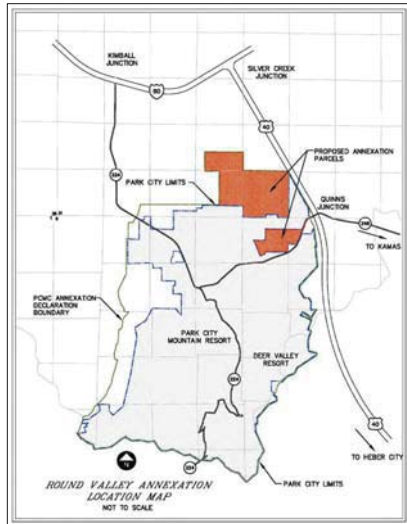


STAFF:
STEVE SCHUELER

ROUND VALLEY ANNEXATION PETITION
1/2 MILE PROPERTY LAND USE
PARK CITY MUNICIPAL CORPORATION

FOR: PCMC
JOB NO.: 7-1-12
FILE: X:\Quinn's Junction\dwg\Exhibits.dwg

SHEET
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OF
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Slope Analysis

Color	Layer	Percent	Acres
Light Yellow	0-15%	55.0	752
Yellow	15-40%	44.0	602
Orange	40+%	2.0	27
			1,368

Ridgelines

Prominent Ridges

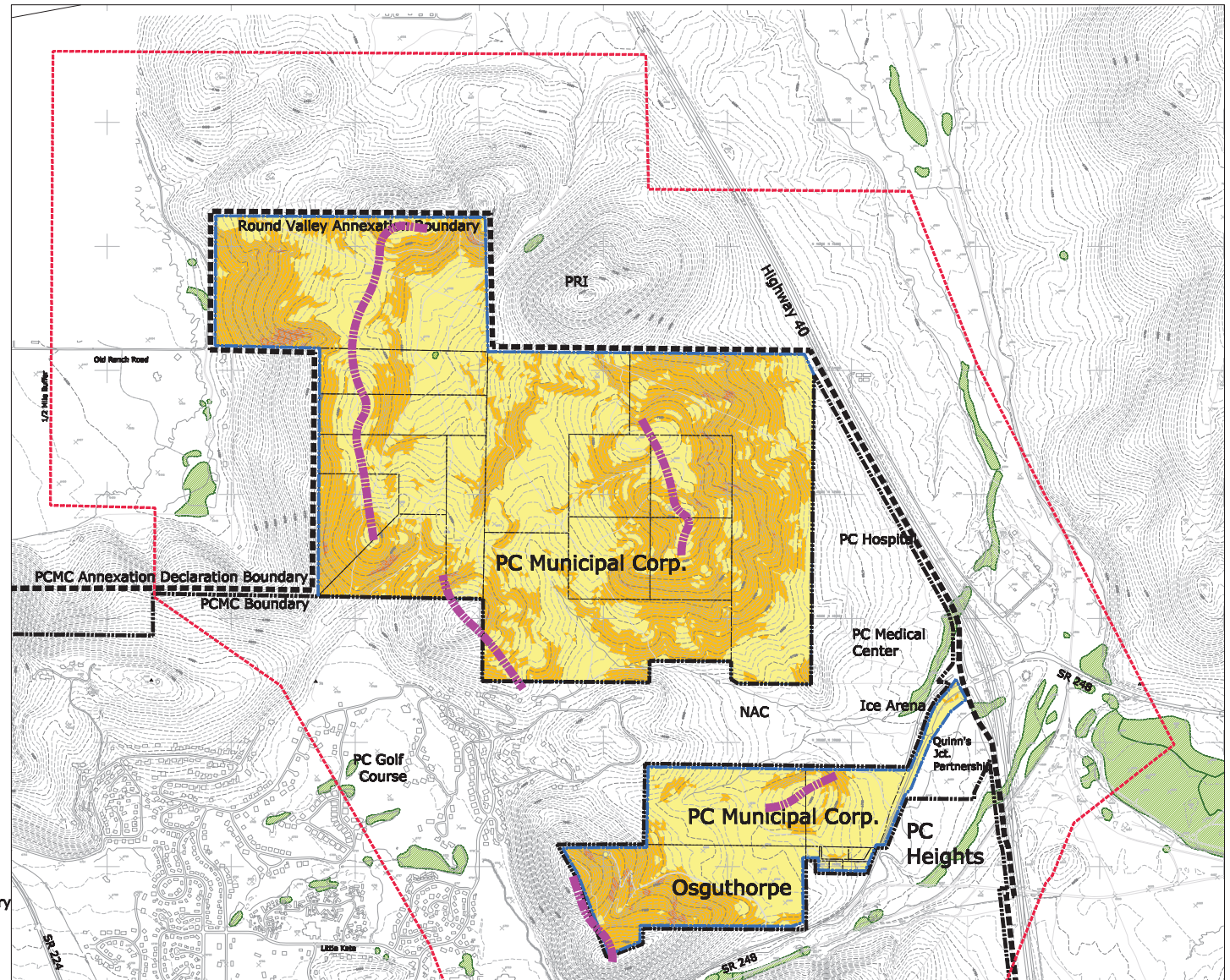
Wetlands*

Mapped Wetlands

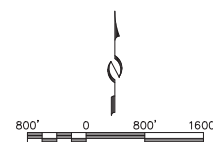
Round Valley Annexation Boundary

PCMC Annexation Declaration Boundary

Existing PCMC Boundary



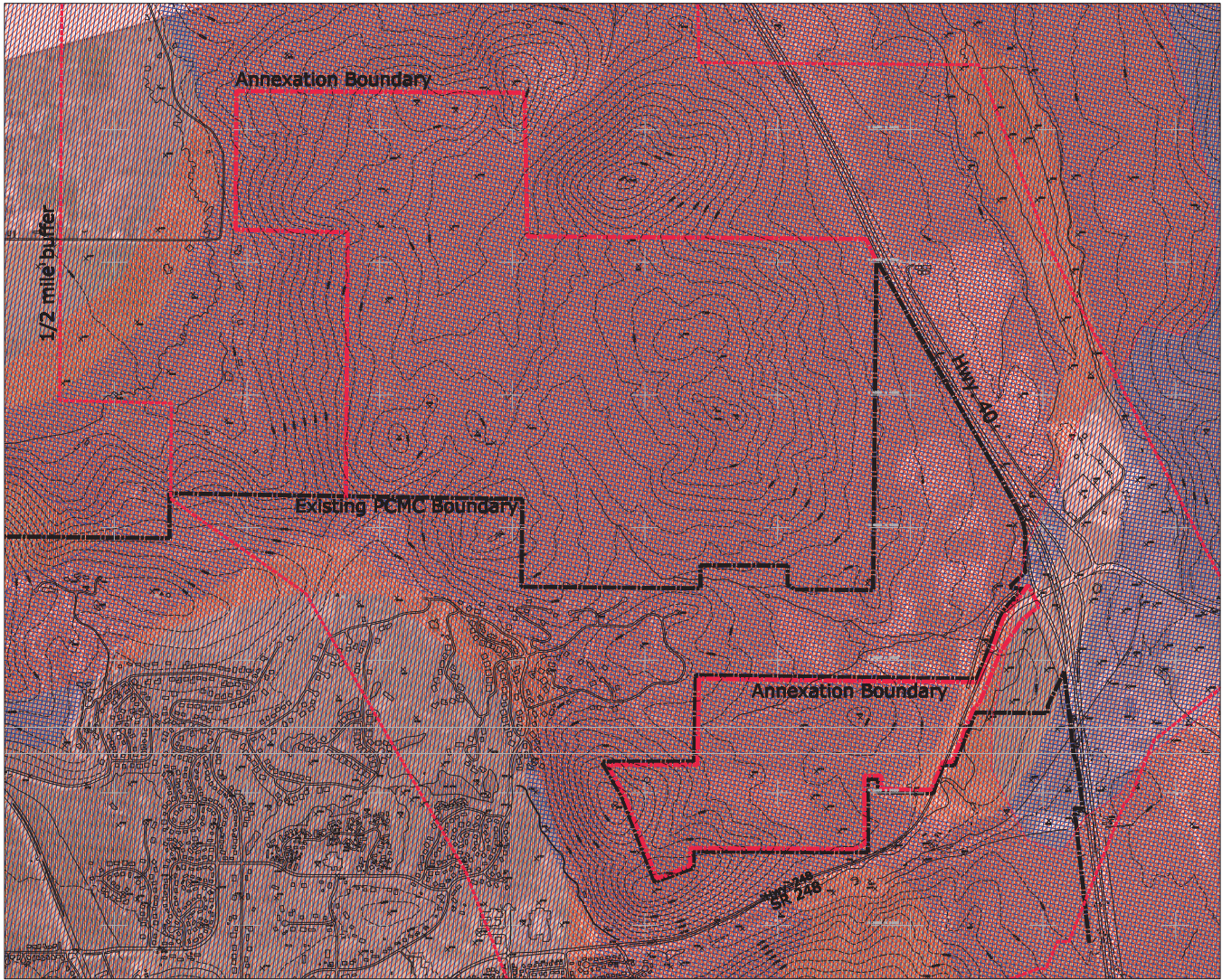
* Wetlands data provided by the State of Utah GIS website



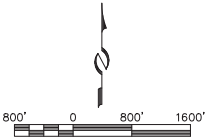
 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 322 Main Street P.O. Box 2054 Park City, Utah 84060-2054	(435) 648-9467 STAFF: STEVE SCHUELER	ROUND VALLEY ANNEXATION PETITION SENSITIVE LANDS ANALYSIS PARK CITY MUNICIPAL CORPORATION	SHEET 1 OF 1
	DATE: 6/16/13	FOR: PCMC JOB NO.: 7-1-12 FILE: X:\Quinn's Junction\dwg\Existing Conditions.dwg	

Wildlife Habitat Legend*

- Mule Deer Habitat
- Black Bear Habitat
- Sage grouse-100% of project area
- Ruffed grouse
- Blue grouse

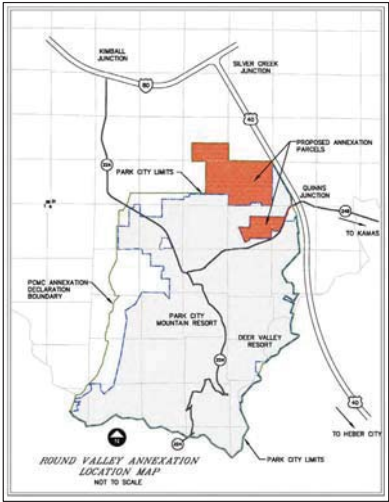


* Mapping data downloaded from the State of Utah GIS Portal website



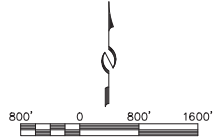
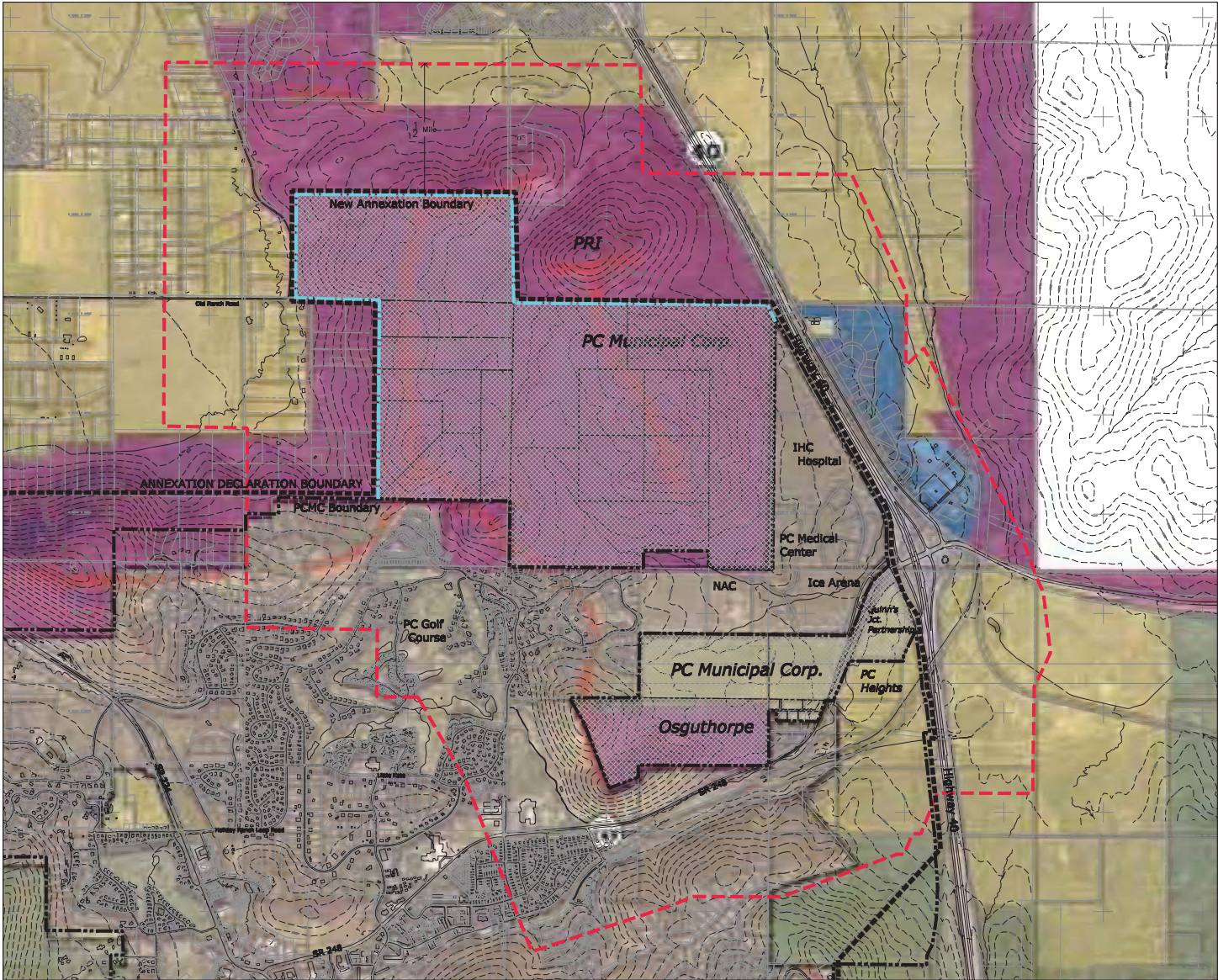
 (435) 849-8467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street, P.O. Box 2664 Park City, Utah 84060-2664	STAFF: STEVE SCHUELER	WILDLIFE HABITAT ROUND VALLEY ANNEXATION PARCEL	SHEET 1 OF 1
	DATE: 6/16/13	FOR: PCMC JOB NO.: 7-1-12 FILE: X:\Quinn Junction\Annexation 2012\wildlife sheet.dwg	

EXHIBIT I



LEGEND

- Round Valley Annexation Boundary
- PCMC Annexation Declaration Boundary
- Existing PCMC Boundary
- 1/2 Mile Boundary



Alliance
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street, P.O. Box 2664 Park City, Utah 84050-2664
(435) 649-9457

STAFF:
STEVE SCHUELER
DATE: 2/18/13

ROUND VALLEY ANNEXATION PETITION
EXISTING SUMMIT COUNTY ZONING
PARK CITY MUNICIPAL CORPORATION
FOR: PCMC
JOB NO.: 7-1-12
FILE: X:\Quinn's Junction\dwg\Existing Conditions.dwg

SHEET
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Round Valley Annexation Petition

Introduction

Park City Municipal Corporation (PCMC) is petitioning to have the area generally known as Round Valley (RV), annexed into Park City. The bulk of the parcels contained within the proposed annexation area are either owned outright by PCMC or PCMC retains conservation easements or deed restrictions. The project is located in the Quinn's Junction area. See attached Existing Conditions map. The purpose of this report is to provide a review and analysis of the existing and proposed land uses associated with the annexation of the Round Valley property. The property exists within Park City's annexation declaration boundary, as shown on the attached Annexation Boundary Declaration exhibit. The annexation petition is consistent with the Purpose and General Requirements of Chapter 8-Annexation of the Park City Land Management Code. An Annexation Plat is attached.

Existing Conditions

The annexation area consists of properties within two larger parcels (North Parcel and South Parcel) which are separated from each other by properties within the boundaries of PCMC. Both of these parcels consist of lands purchased over 20 of years by PCMC specifically for open space protection and for use as a recreation amenity by residents and visitors (see Existing Conditions map) through taxpayer-funded Open Space bonds. The total area of the proposed annexation area is 1,367.16 acres. Existing natural conditions have been identified, in some cases mapped, and then subsequently analyzed to address the requirements of the Annexation Petition and are noted below.

The North parcel lands present as undeveloped open space with topography consisting of rolling hills surrounding a central valley (Round Valley). The lowest point of the valley area appears to contain a small jurisdictional wetlands habitat. Numerous trails used by hikers, bikers, and winter user's crisscross the Round Valley area.

The South parcel is similar in character to the North parcel. Topography consists of gently rolling terrain and flat fields. Most of this parcel exists as undeveloped open space with multi-use trails. A portion is farmed for hay, and several small parcels have been utilized for vehicle storage, road salt storage and related uses. Individual ownership parcels of the entire annexation area are found at the end of this document.

a. Slopes:

A slope analysis has been conducted with the following results:

Slopes 0 – 15%	55%
Slopes 15-40%	44%
Slopes 40%+	1%

See the attached slope analysis. Ridgelines have also been identified as part of this analysis.

Round Valley Annexation Petition

b. Wetlands and Hydrology:

Wetlands in the annexation area, and surrounding lands, have been mapped by the Environmental Protection Agency as part of a nationwide wetlands inventory and the mapping, available in a digital format, was downloaded from the State of Utah GIS portal website for use in mapping wetlands. This mapping would not be considered to be detailed enough for a site-specific wetlands identification, but is useful in generally determining where wetlands are likely located. The digital mapping shows a very small wetland area in Round Valley itself. An on-site delineation will be required in the event that activities are proposed in this wetlands area. These mapped wetlands are shown on the Sensitive Lands Map.

c. Vegetative Cover:

Vegetation consists of mountain mahogany, shrub oak, sagebrush, mixed native grasses and various perennials. Invasive weed species are found throughout the parcel (See attached character image of the vegetation patterns).

d. View Corridors:

Important view corridors exist along Route 248 and 40 and comprise portions of the RV Annexation area. The parcels within the annexation area were purchased or controlled by PCMC, in part, to protect the visual character of the entry in Park City. Visually, the Round Valley Annexation area presents as undeveloped foothills between the State Route 40 corridor and the Snyderville Basin. See the attached Viewshed Analysis.

e. Wildlife:

Wildlife habitat information for important species has been downloaded and mapped from the State of Utah GIS Portal website. As shown on the wildlife mapping, black bear, blue grouse, sage grouse, ruffed grouse and mule deer habitat are found within the annexation area and on nearby open space lands.

Threatened and Endangered Species-As shown on the following table, Summit County animal and plant species has been listed as one or more of the following: Federally-listed or candidate species under the Endangered Species Act (S-ESA), Wildlife species of concern (SPC), and Species receiving special management under a Conservation Agreement in order to preclude the need for Federal listing (CS). The animals and plants listed below are found in Summit County or Wasatch Counties but are not be specific to the annexation parcels.

Round Valley Annexation Petition

Table 1-Animal Species in Summit County of S-ESA, SPC, or CS Status

<i>Common Name</i>	<i>Scientific Name</i>	<i>State Status</i>
Bald Eagle	Haliaeetus Leucocephalus	S-ESA
Blue-Headed Sucker	Catostomus Discobolus	CS
Bobolink	Dolichonyx Oryzivorus	SPC
Bonneville Cutthroat Trout	Oncorhynchus Clarkii Utah	CS
Brown (Grizzly) Bear	Ursus Arctos	S-ESA
Canada Lynx	Lynx Canadensis	S-ESA
Colorado River Cutthroat Trout	Onchorhynchus Clark II pleuriticus	CS
Columbia Spotted Frog	Rana Luteiventris	CS
Deseret Mountain Snail	Oreohelix Peripherica	SPC
Greater Sage Grouse	Centrocercus Urophasianus	SPC
Leatherside Chub	Gila Copei	SPC
Lewis Woodpecker	Melanerpes Lewis	SPC
Long-billed Curlew	Numenius Americanus	SPC
Northern Goshawk	Accipiter Gentilis	CS
Smooth Greensnake	Opheodrys Vernalis	SPC
Three-Toed Woodpecker	Picoides Tridactylis	SPC
Western Pearlshell	Margaritifera Falcata	SPC
Western Toad	Bufo Boreas	SPC

An inquiry to the State of Utah, Division of Wildlife Resources, Department of Natural Resources (DWR) regarding any species of concern has been made. No species of concern have been identified by DWR as noted on the attached response.

f. Cultural Resources:

Historically, the annexation area has been, for the most part, undeveloped. There are no historic structures found on the annexation parcels in question. Historic land uses include agriculture, which has been an on-going activity on the Osguthorpe parcel for many years.

g. Geological Features

The RV annexation area contains no significant geological features identified in the State of Utah GIS databases including debris flows, fault lines, landslide areas, liquefaction areas and related phenomena. Several mapped small earthquake epicenters are found on the annexation area as are found throughout the greater Park City area. A review of the databases indicated no known geologic hazards. No known mine hazards were discovered in the area, per PCMC compliance with the mine hazard ordinance.

Round Valley Annexation Petition

The annexation area is outside of the Park City's soils ordinance boundaries.

Existing and Proposed Streets and Roads

No new roads or streets are currently proposed as part of this annexation.

Existing Public and Proposed Utilities

Utility services exist along road R-O-W's which surrounds the annexation parcels. A (Chevron) natural gas main line passes through the North Parcel and the Lost Canyon Water Line passes through the South Parcel. Numerous easements for additional utility corridors, ROW's, access and other uses exist throughout the annexation area and are set forth in the title report. No new utilities are proposed as part of this annexation application.

Location of Proposed Open Space

See discussion of Existing and Proposed Land Uses.

Existing and Proposed Land Uses

Existing land uses in the annexation area, for the most part, are protected open space and passive recreational uses. Agriculture, as noted in the Cultural Resources section, exists and would likely continue in the event of an annexation. Several small parcels, adjacent to Hwy 248, have, historically been utilized for vehicle storage, and related light industrial uses. County zoning in the annexation area consists of "Hillside Stewardship," and "Rural Residential."

The RV annexation area provides a significant recreational amenity to the Park City community. In addition to approximately 30 miles of mixed-use trails in the annexation area, support facilities, outside of the annexation area, including parking lots and trailheads are located at Round Valley Way and Gillmor Way in Quinn's Junction, on Meadows Drive in Park Meadows, and on Old Ranch Road. Deed-restricted open space easements exist on approximately 600 acres of the North Parcel. See Conservation Easement exhibit.

As shown on the attached 1/2-Mile Analysis exhibit, for a ½ mile radius surrounding the RV annexation area, land uses consist of open space, residential uses, resort residential, commercial and light industrial uses. About 1/3 of all lands within ½ mile of the annexation parcels are PCMC incorporated lands and consist of various residential uses (Park Meadows and Prospector), the Park City Golf Course, National Ability Center, Park City Ice Arena, the IHC Hospital and related medical offices, along with undeveloped open space. Zoning consists of SF, POS, ROS, RD, and CT. See attached Zoning Map.

The remaining 2/3 of the lands within ½ mile are located in un-incorporated Summit County. Land uses include the Highway 40 ROW, a small industrial park (Zoned as "Neighborhood Commercial") on the

Round Valley Annexation Petition

east side of Highway 40, low density residential in the Old Ranch Road area, portions of Richardson Flats, and other undeveloped parcels.

Proposed land uses would be consistent with historic and current uses including protected open space with associated recreational uses, agriculture, and light industrial uses. Proposed zoning is ROS and LI, with the FPZ (Frontage Protection Zone) overlay as shown on the attached proposed zone map.

Existing and Proposed Locations of Community Facilities

Existing community facilities in the annexation area consist of the aforementioned trail system and related recreation infrastructure. No community facilities, beyond what currently exists in Round Valley are anticipated as part of this annexation. The Weber Water Conservation District, with input from Park City Water Department and other entities, has analyzed future water demand. As a result of that analysis, a small reservoir or lake may be proposed on a portion of the annexation area with suitable topography. This use is consistent with the proposed ROS zone in which this water body would be proposed to be located. As noted on the Zoning Map, the LI zone within the annexation area could allow for uses, consistent with current community services, including road maintenance and storage facilities or new uses such as relocation of the recycling center.

Consistency with General Plan

The Round Valley Annexation area falls within Park City's Annexation Declaration Boundary and is consistent with objectives set forth in the current General Plan.

Anticipated Timetable for Development

No development is proposed as part of this annexation. Improvements and limited expansion of the trail system and trail system support infrastructure is anticipated on an as-needed basis.

Affordable Housing

No development is proposed as part of this annexation and so no affordable housing component is anticipated.

Public Utilities and Essential Services Analysis

- a. This annexation does not propose any development which would increase the number of school-aged children to the Park City School District.
- b. Capacity of sanitary sewer services-No increase in sanitary sewer services are proposed as part of this annexation.
- c. Other Services-The annexation area abuts existing boundaries of Park City Municipal Corporation. It is surrounded by mixed land use development. Service routes exist for solid waste pick up (private contractor) which is currently afforded to adjacent property owners. All existing municipal and county services are afforded to the proposed annexation property by virtue of its location adjacent

Round Valley Annexation Petition

to Park City Municipal Corporation boundaries and would require no change in the provision of these services as a result of this annexation.

- d. Water disclosure statement: Known water rights associated with the proposed annexation area are limited to the Osguthorpe Parcel (SS-98-X) with 102 acre feet with an 1878 priority. The parcel was placed in a conservation easement in 2010, removing development rights and ensuring agricultural use of the property. Park City Municipal has a first right of refusal for purchase or lease of the property to ensure water associated with the parcel remains.

Fiscal Impact Analysis

The annexation is not anticipated to alter any existing or projected demographic or economic conditions in the Park City area (or in the annexation area itself) as there is no population or economic base within the annexation area. The area surrounding the annexation area consists of commercial development, undeveloped open space, UDOT rights of way and limited industrial/ commercial uses, as shown on the Existing Conditions map. Prior annexation agreements in the surrounding areas include the Park City Heights project (an unconstructed mixed residential project directly to the south of this annexation petition) and Quinn's Junction Partnership project (a proposed movie studio complex, to the southeast) as noted on the Existing Conditions map. To the east is State Route 40 and beyond that is an existing commercial/ industrial complex.

Projected revenue as a result of this annexation would be negligible as no revenue generating activities are proposed.

The projected impact to taxpayers as a result of this annexation would be unchanged from the current conditions. The bulk of the lands are already owned outright or development rights are retained subsequent to this annexation petition by PCMC. Park City municipal services are already afforded to the annexation area resulting from the existing recreational uses of the property.

Tax revenues generated from parcel ownership within the annexation area are minimal. All publicly held lands, including PCMC, The United States of America, and UDOT are tax-exempt. The Osguthorpe parcel pays property taxes, but at a very low rate, as a result of a prior agreement with PCMC to transfer the development rights and its status as a greenbelt property. Property tax revenues are not anticipated to increase as a result of this annexation as the proposed land uses would, largely, remain unchanged from current conditions.

Cost of government services, via open space management funds, to the annexation area consist of trail maintenance and expansion and associated infrastructure improvements, noxious weed control, and wildfire control and related management activities. Estimated costs are approximately \$100,000 per annum. These costs are expected to remain, relatively, unchanged as a result of this annexation.

Round Valley Annexation Petition

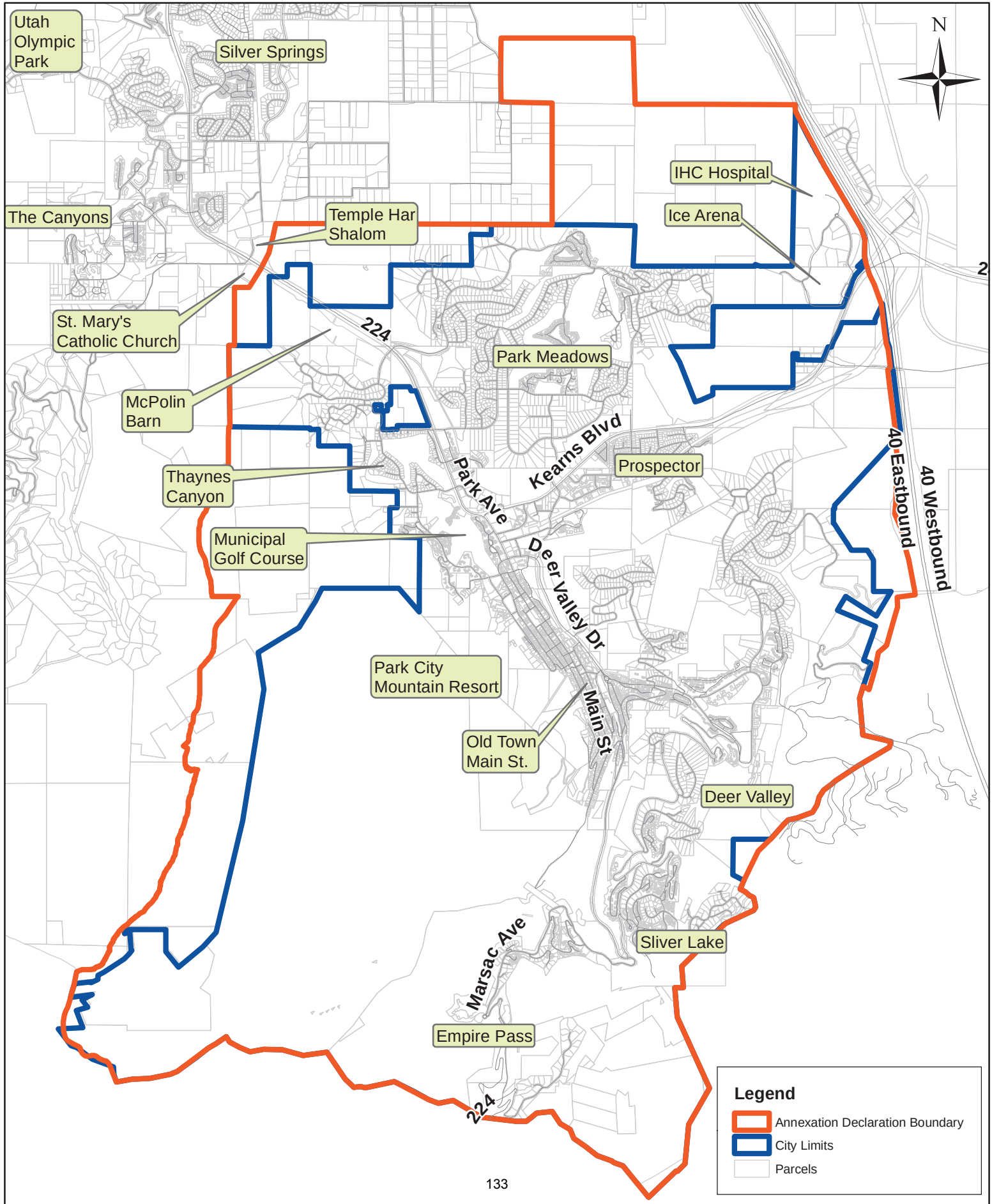
Parcel ownership and acreage are noted on the following table.

Property Ownership	Acres	Owner
NORTH PARCEL		
Section 27, T1S, R4E, SLB&M:		
Tax No. SS-57-A-X	368.01	PCMC
Tax No. SS-57-2-A-X	29.00	PCMC
Section 28, T1S, R4E, SLB&M:		
Tax No. SS-59-X	203.65	PCMC
Section 33, T1S, R4E, SLB&M:		
Tax No. SS-61-X	40.00	PCMC
Tax No. SS-61-C-X	40.00	PCMC
Tax No. SS-61-D-X	40.00	PCMC
Tax No. SS-61-E-X	40.00	PCMC
Tax No. SS-61-F-X	40.00	PCMC
Section 34, T1S, R4E, SLB&M:		
Tax No. SS-62-A-X	117.73	PCMC
Tax No. SS-62-B-X	40.00	PCMC
Tax No. SS-62-C-X	40.00	PCMC
Tax No. SS-62-D-X	40.00	PCMC
Tax No. SS-62-E-X	40.00	PCMC
Tax No. SS-62-G-X	209.62	PCMC
Tax No. SS-62-A-1-X	10.33	PCMC
Tax No. SS-62-A-1-A-X	143.66	PCMC
SOUTH PARCEL		
Section 2, T2S, R4E, SLB&M:		
Tax No. SS-92-A-X		USA
Tax No. SS-92-A-X-X	39.92	PCMC
Tax No. 92-A-1-X	3.38	UDOT
Tax No. SS-95-A-X	2.00	UDOT
Tax No. SS-95-B-X	1.00	PCMC
Tax No. SS-95-C-X	0.06	UDOT
Tax No. SS-95-D-X	2.00	PCMC
Tax No. SS-95-E-X	1.00	PCMC
Tax No. SS-95-I-X	1.00	PCMC
Tax No. SS-95-N-X		
Tax No. SS-95-C-1-X	1.36	PCMC
Section 3, T2S, R4E, SLB&M:		
Tax No. SS-97-A-1-X	80.00	PCMC
Tax No. SS-98-X	121.05	Osguthorpe

Round Valley Annexation Petition

Exhibits

Annexation Plat
Existing Conditions Map
Zoning Map
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Slope Map
View Corridors Exhibit
Wildlife Habitat Map
DWR Species response letter
Title Report
Half Mile Land Uses
Existing County Zoning





GARY R. HERBERT
Governor

GREGORY S. BELL
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Wildlife Resources

JAMES F. KARPOWITZ
Division Director

September 12, 2012

Steve Schueler
Alliance Engineering
323 Main Street
Park City, UT 84060

Subject: Species of Concern Near the Park City Annexation Area, Summit County, Utah

Dear Steve Schueler:

I am writing in response to your email dated August 29, 2012 regarding information on species of special concern proximal to the proposed Park City Annexation Area located in Sections 27, 28, 33 and 34 of Township 1 South, Range 4 East, and Sections 2 and 3 of Township 2 South, Range 4 East, SLB&M, in Summit County, Utah.

The Utah Division of Wildlife Resources (UDWR) does not have records of occurrence for any threatened, endangered, or sensitive species within the project area noted above. However, within a two-mile radius there are recent records of occurrence for bobolink, Columbia spotted frog, greater sage-grouse, northern goshawk and short-eared owl, and historical records of occurrence for ferruginous hawk, long-billed curlew and western toad. All of the aforementioned species are included on the *Utah Sensitive Species List*.

The information provided in this letter is based on data existing in the Utah Division of Wildlife Resources' central database at the time of the request. It should not be regarded as a final statement on the occurrence of any species on or near the designated site, nor should it be considered a substitute for on-the-ground biological surveys. Moreover, because the Utah Division of Wildlife Resources' central database is continually updated, and because data requests are evaluated for the specific type of proposed action, any given response is only appropriate for its respective request.

In addition to the information you requested, other significant wildlife values might also be present on the designated site. Please contact UDWR's habitat manager for the central region, Mark Farmer, at (801) 491-5653 if you have any questions.

Please contact our office at (801) 538-4759 if you require further assistance.

Sincerely,

Sarah Lindsey
Information Manager
Utah Natural Heritage Program

cc: Mark Farmer





TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.7 - RECREATION AND OPEN SPACE (ROS) DISTRICT

Chapter adopted by Ordinance No. 00-15

15-2.7-1. PURPOSE.

The purpose of the Recreation and Open Space (ROS) District is to:

- (A) establish and preserve districts for land uses requiring substantial Areas of open land covered with vegetation and substantially free from Structures, Streets and Parking Lots,
- (B) permit recreational Uses and preserve recreational Open Space land,
- (C) encourage parks, golf courses, trails and other Compatible public or private recreational Uses, and
- (D) preserve and enhance environmentally sensitive lands, such as wetlands, Steep Slopes, ridge lines, meadows, stream corridors, and forests.
- (E) encourage sustainability, conservation, and renewable energy.

(Amended by Ord. No. 09-10)

15-2.7-2. USES.

Uses in the ROS District are limited to the following:

(A) **ALLOWED USES.**

- (1) Conservation Activity

(B) **ADMINISTRATIVE
CONDITIONAL USES.**¹

- (1) Trail and Trailhead Improvement
- (2) Outdoor Recreation Equipment
- (3) Essential Municipal Public Utility Use, Service, or Structure, less than 600 sq. ft.
- (4) Accessory Building, less than 600 sq. ft.
- (5) Ski-related Accessory Building, less than 600 sq. ft.
- (6) Parking Area or Structure with four (4) or fewer spaces

¹Subject to an Administrative Conditional Use permit and/or Master Festival license review process. Master Festivals are temporary in nature. All related temporary Structures are restricted to specific time frames and shall be removed at the expiration of the Master Festival permit.

- (7) Outdoor Event, Outdoor
- (8) Temporary Construction Improvement
- (9) Raising, grazing of horses
- (10) Raising, grazing of livestock
- (11) Anemometer and Anemometer Towers

(C) **CONDITIONAL USES.**

- (1) Agriculture
- (2) Recreational Outdoor and Trail Lighting
- (3) Recreation Facility, Private
- (4) Recreation Facility, Public
- (5) Recreation Facility, Commercial
- (6) Golf Course
- (7) Passenger Tramway Station and Ski Base Facility
- (8) Ski Tow Rope, Ski Lift, Ski Run and Ski Bridge
- (9) Recreational Sports Field
- (10) Skating Rink
- (11) Skateboard Park
- (12) Public and Quasi-Public Institution, Church, and School, Park, Plaza, Structure for Public Assembly, greater than 600 sq. ft.
- (13) Essential Municipal Public Utility Use, Facility, Service, and Structure, greater than 600 sq. ft.
- (14) Accessory Building, greater than 600 sq. ft.
- (15) Ski-Related Accessory Building, greater than 600 sq. ft.
- (16) Child Care Center
- (17) Commercial Stable, Riding Academy

- Music
- (18) Vehicle Control Gates²
- (19) Resort Support, Commercial
- (20) Cemetery
- (21) Parking Area or Structure with five (5) or more spaces
- (22) Telecommunications Antenna³
- (23) Mines and Mine Exploration
- (24) Plant and Nursery stock products and sales
- (25) Fences greater than six feet (6') in height from Final Grade.
- (26) Small Wind Energy Systems

(D) **PROHIBITED USES.** Any use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. Nos. 04-08; 09-10)

15-2.7-3. LOT AND SITE REQUIREMENTS.

All Structures must be no less than twenty-five feet (25') from the boundary line of the Lot, district or public Right-of-Way.

(A) **FRONT, SIDE, AND REAR YARD EXCEPTIONS.** Fences, walls, stairs, paths, trails, sidewalks, patios, driveways, Ancillary Structures, approved Parking Areas, and Screened mechanical and utility equipment are allowed as

²See Section 15-4-19 for specific review criteria for gates

³Subject to LMC Chapter 15-4-14, Telecommunications



TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.8 - PROTECTED OPEN SPACE (POS) DISTRICT

Chapter adopted by Ordinance No. 00-15

15-2.8-1. PURPOSE.

The purpose of the Protected Open Space (POS) District is to:

- (A) promote useable, public, non-improved, non-commercial, connected and contiguous Open Space for community benefit,
- (B) promote open lands that remain fundamentally undisturbed,
- (C) prohibit construction on ridge lines and Steep Slopes, or in wetlands, watersheds, and view sheds,
- (D) promote the preservation of Historic Sites,
- (E) preserve the vegetation and habitat of natural Areas,
- (F) provide incentives to protect Open Space and conservation resources through voluntary conservation easements and/or deed restrictions, and
- (G) provide for careful review of low-intensity recreational Uses and

environmentally-sensitive, non-motorized trails.

15-2.8-2. USES.

Uses in the POS District are limited to the following:

(A) **ALLOWED USES.**

- (1) Conservation Activity

(B) **ADMINISTRATIVE
CONDITIONAL USE PERMIT (CUP).**

- (1) Parking Area or Structure for four (4) or fewer spaces.
- (2) Fences greater than six feet (6') in height from existing Grade.

(C) **CONDITIONAL USES.**

- (1) Trail and Trailhead Improvement
- (2) Essential Municipal Public Utility Use, Service, or Structure
- (3) Accessory Building, less than 600 sq. ft.
- (4) Ski-related Accessory Building, less than 600 sq. ft.

- (5) Parking Area or Structure, for five (5) or more spaces
- (6) Recreation Facility, Public
- (7) Mines and Mine Exploration
- (8) Ski Tow Rope, Ski Lift, Ski Run, Ski Bridge¹

(D) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. No. 06-69)

15-2.8-3. LOT AND SITE REQUIREMENTS.

All Structures must be no less than twenty-five feet (25') from the boundary line of the Lot, district or public Right-of-Way.

(A) **FRONT, SIDE, AND REAR YARD EXCEPTIONS.** Fences, walls, stairs, paths, trails, sidewalks, at Grade patios, driveways, Ancillary Structures, approved Parking Areas and Screened mechanical and utility equipment are allowed in the Front, Side, and Rear Yards.

(Amended by Ord. No. 09-10)

15-2.8-4. BUILDING HEIGHT.

No Structure may be erected to a height greater than twenty-eight feet (28') from existing Grade. This is the Zone Height.

¹Subject to a City approved Ski Area Master Planned Development and LMC Section 15-4-18.

(A) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

- (1) Gable, hip, and similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.
- (2) Antennas, chimneys, flues, vents and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with the International Building Code (IBC) requirements.
- (3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened may extend up to five feet (5') above the height of the Building.

(Amended by Ord. Nos. 06-69; 07-25)

15-2.8-5. ARCHITECTURAL REVIEW.

Prior to the issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 15-5.

Appeals of departmental actions on architectural compliance are heard by the Planning Commission.

(Amended by Ord. No. 06-69)

15-2.8-6. VEGETATION PROTECTION.



TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.19 - LIGHT INDUSTRIAL (LI) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.19-1. PURPOSE.

The purpose of the Light Industrial (LI) District is to:

- (A) allow light industrial and manufacturing Uses that will not create traffic hazard, noise, dust, fumes, odors, smoke, vapor, vibration, glare, or industrial waste disposal problems,
- (B) allow Conditional Uses to mitigate potential impacts,
- (C) accommodate complementary and supporting Uses such as parking, child care, retail, offices, group care, and recreation facilities, and
- (D) allow new light industrial Development that is Compatible with and contributes to the distinctive character of Park City, through Building materials, architectural design and details, color range, massing, lighting, landscaping, and the relationship to Streets and pedestrian ways.

15-2.19-2. USES.

Uses in the LI District are limited to the following:

(A) **ALLOWED USES.**

- (1) Secondary Living Quarters
- (2) Accessory Apartment¹
- (3) Nightly Rental
- (4) Home Occupation
- (5) Child Care, In-Home Babysitting²
- (6) Child Care, Family²
- (7) Child Care, Family Group²
- (8) Child Care Center²
- (9) Agriculture
- (10) Plant and Nursery Stock
- (11) Office, General
- (12) Office, Moderate Intensive
- (13) Office, Intensive
- (14) Financial Institution without drive-up window
- (15) Retail and Service Commercial, Minor

¹See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

²See LMC Chapter 15-4-9 Child Care Regulations

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 2.19 Light Industrial (LI)

District

15-2.19-2

(16)	Retail and Service Commercial, Personal Improvement	(15)	Financial Institutions with Drive-Up Window ⁵
(17)	Retail and Service Commercial, Major	(16)	Retail and Service Commercial with Outdoor Storage
(18)	Commercial, Resort Support	(17)	Retail and Service Commercial, Auto-Related
(19)	Hospital, Limited Care	(18)	Transportation Services
(20)	Parking Area or Structure with four (4) or fewer spaces	(19)	Retail Drive-Up Window ⁵
(21)	Recreation Facility, Private	(20)	Gasoline Service Station
(B)	<u>CONDITIONAL USES.</u>	(21)	Café or Deli
(1)	Multi-Unit Dwelling	(22)	Restaurant, General
(2)	Group Care Facility	(23)	Restaurant, Outdoor Dining
(3)	Child Care Center ²	(24)	Restaurant, Drive-Up Window ⁵
(4)	Public and Quasi-Public Institution, Church, and School	(25)	Outdoor Event ⁶
(5)	Essential Municipal Public Utility Use, Facility, Service, and Structure	(26)	Bar
(6)	Telecommunication Antenna ³	(27)	Hospital, General
(7)	Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter ⁴	(28)	Light Industrial Manufacturing and Assembly Facility
(8)	Accessory Building and Use	(29)	Parking Area or Structure with five (5) or more spaces
(9)	Raising, grazing of horses	(30)	Temporary Improvement ⁶
(10)	Bed and Breakfast Inn	(31)	Passenger Tramway Station and Ski Base Facility
(11)	Boarding House, Hostel	(32)	Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge
(12)	Hotel, Minor	(33)	Recreation Facility, Public
(13)	Private Residence Club Project and Conversion ⁶	(34)	Recreation Facility, Commercial
(14)	Office and Clinic, Medical	(35)	Entertainment Facility, Indoor
		(36)	Commercial Stables, Riding Academy

³See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁴See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁵See Section 2.19-8 for Drive-Up Window review criteria

⁶Subject to an administrative Conditional Use permit.

- (37) Master Planned Developments⁷
- (38) Heliports
- (39) Commercial Parking Lot or Structure
- (40) Temporary Sales Office, in conjunction with an active Building permit.
- (41) Fences and Walls greater than six feet (6') in height from Final Grade⁶

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. Nos. 04-39; 06-76)

15-2.19-3. COMMUNITY REQUIREMENTS.

Applicants must demonstrate the following:

- (A) The Industrial Use will not create glare, heat, odor, dust, smoke, noise, or physical vibrations perceptible outside of the Building.
- (B) Open yards used for storage or parking may not adjoin any public Right-of-Way and must be fully Screened from public Rights-of-Way and adjoining Properties.
- (C) Underground Utilities are provided.

15-2.19-4. REVIEW CRITERIA FOR RESIDENTIAL USES.

⁷Subject to provisions of LMC Chapter 15-6, Master Planned Development.

A landscaped buffer Area is required to separate Residential Uses from existing or potential industrial Uses. This buffer Area must be a minimum of fifty feet (50') wide to provide adequate Screening, buffering, and separation of these Uses. The fifty foot (50') requirement may be divided between two adjoining Properties. In the case where one Property is already Developed, the adjoining Property must provide a buffer Area sufficient to meet the fifty foot (50') requirement. A detailed landscape plan must be submitted by the Applicant and approved by the Planning Commission and Staff prior to Conditional Use approval. The landscape plan must demonstrate that the fifty foot (50') buffer Area effectively Screens and buffers the existing and future Residential Uses from existing or future industrial Uses. In some cases additional Off-Site landscaping may be necessary to adequately mitigate impacts of these incompatible Uses.

15-2.19-5. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building permit shall be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan.

Minimum Lot and Site requirements are as follows:

**PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.20 - FRONTAGE PROTECTION ZONE (FPZ)

Chapter adopted by Ordinance No. 00-51

15-2.20-1. PURPOSE.

The purpose of the Frontage Protection Zone (FPZ) is to:

- (A) preserve Park City's scenic view corridors,
- (B) preserve and enhance the rural resort character of Park City's entry corridor,
- (C) provide a significant landscaped buffer between Development and highway Uses,
- (D) minimize curb cuts, driveways and Access points to highways,
- (E) allow for future pedestrian and vehicular improvements along the highway corridors.

15-2.20-2. FRONTAGE PROTECTION OVERLAY ZONE.

The Frontage Protection Zone (FPZ) is an overlay zone, as shown on the Official Zoning Map. The FPZ includes those Properties with frontage on, and within one

hundred feet (100') of the Right-of Way line of the following Streets:

- (A) Park Avenue, SR 224, from 15th Street north to the City Limits,
- (B) Marsac Avenue, SR 224, from its upper intersection with Prospect Avenue to the south City limits,
- (C) Kearns Boulevard, SR 248, from Park Avenue east to the east City limits, and
- (D) Deer Valley Drive from Park Avenue to Heber Avenue, the SR 224 Belt Route.

15-2.20-3. USES.

All Uses, including Allowed and Conditional Uses, must be consistent with the underlying Zoning District. Any Structure or Use within the FPZ is also subject to specific review criteria, including Conditional Use permit review, as stated in this section, and Entry Corridor Protection criteria as stated in Sections 15-2.20-4 and 15-2.20-5.

15-2.20-4. LOT AND SITE REQUIREMENTS.

Lot and Site Requirements and Building Heights for all Development Activities and uses within the Frontage Protection Zone must be consistent with the underlying Zoning District and are subject to the following additional requirements:

(A) Regardless of the zone Setback and Yard requirements, except as otherwise provided herein, no Structure shall be allowed within thirty feet (30') of the nearest highway Right-of-Way. An exception to this requirement shall be granted for two (2) municipal identification signs, one within the Utah State Highway 224 entry corridor, and the other within the Utah State Highway 248 entry corridor, provided that Park City Municipal Corporation is the Applicant and subject to approval pursuant to Municipal Code Section 12-9-1(L).

(B) All Construction Activity, including permanent signs, in the Setback Area between thirty feet (30') and one hundred feet (100') from the nearest Right-of-Way line requires a Conditional Use permit and is subject to all applicable review criteria as stated in Section 15-1-10. Review of projects within the FPZ shall include design review criteria as stated in LMC Chapter 15-5.

(C) **EXCEPTIONS.** Minor remodels and facade improvements for existing Structures within the FPZ, including free standing signs shall require an Administrative Permit with approval by the Planning, Engineering, and Building

Departments. Construction of at Grade sidewalks, trails, public plazas, and temporary signs in the FPZ Setback Area requires an Administrative Permit with approval by the Planning, Engineering, and Building Departments.

(D) Essential public facilities such as bus shelters, bus lanes, highways, directional signs, and utility installations within the FPZ may require an administrative Conditional Use permit with approval by the Planning, Engineering, and Building Departments.

(E) To minimize curb cuts, driveways, and Access to Park City's primary highways and Streets, Access to Property in the FPZ shall be from existing City Streets when possible, rather than direct highway Access. Common driveways between adjoining projects shall be used when possible. Driveways must be placed where they create the least interference with through traffic on highways.

(F) The Planning Department shall review all proposals for pedestrian and bicycling pathways and trails through the FPZ. Trails and sidewalks may occupy Setback Areas. Open Space, preservation of view corridors, protection and enhancement of Sensitive Lands such as wetlands and meadows, and buffer Areas shall be considered in the review.

All Fences in the FPZ must be one of the following styles:

(1) Wooden rail,

- (2) Architecturally Compatible solid wood and natural stone,
- (3) Stock Fences,
- (4) Various forms of steel Fencing as determined and approved by the Planning Department, not including chain link Fencing.

(Amended by Ord. Nos. 01-25; 06-76; 09-10)

15-2.20-5. ENTRY CORRIDOR PROTECTION OVERLAY (ECPO).

(A) **INTENT.** To maintain the visual character of Park City as a mountain community with sweeping, attractive vistas, all Development within the designated entry corridors into Park City shall comply with the requirements of this section. The Entry Corridor Protection Overlay (ECPO) is a sub-zone within the FPZ.

(B) **APPLICABILITY TO PROPERTY WITHIN EXISTING PARK CITY LIMITS.** The regulations contained in this sub-zone shall apply to all Structures on Lots adjacent to or within two hundred and fifty feet (250') of the nearest Right-of-Way of entry corridor highways within existing Park City limits including:

- (1) Utah State Highway 224 north of Holiday Ranch Loop Road and Payday Drive,
- (2) Utah State Highway 224 south of Prospect Street, and

- (3) Utah Highway 248 east of Wyatt Earp Way.

(C) **APPLICABILITY TO FUTURE ANNEXED PROPERTIES.** Upon submission of an annexation petition, the Planning Department shall identify relevant entry corridors for designation by the City Council. Open vistas and meadows shall be identified and maintained to the maximum extent feasible.

(D) **ACCESS/TRAFFIC.** Access points and driveways connecting directly to the entry corridor roadways shall be minimized. Access shall be from existing City Streets that join with the corridor roadways rather than direct roadway Access. Common driveways between adjoining Properties shall be encouraged. Whenever direct driveway Access is necessary, it shall be located in such a manner to minimize interference with through traffic on the corridor roadway.

(E) **SETBACKS.**

- (1) A Setback in the Entry Corridor Protection Overlay shall be established by the Planning Department based upon a visual assessment of the Property. However, in no case shall the Setback be less than one hundred feet (100') from the nearest entry roadway Right-of-Way. In Areas where open meadow vistas are considered important, the required Setback may be increased significantly. The one hundred foot (100') standard is intended to be

more appropriate for Properties currently within the City limits. Upon annexation request, the appropriate Setback will be determined based upon a Site specific visual analysis.

(2) Building Setbacks in the Entry Corridor Protection Overlay shall vary from Structure to Structure with any one Lot or Development. Setbacks shall also vary from those on adjoining roadway-oriented Property to avoid creating a walled effect. Buildings shall be located in such a manner to enhance and frame important views as determined in the visual assessment.

(3) Agricultural or stock Fences shall be allowed in the Setback subject to approval by the Planning Department. See Fencing, Section 15-2.20-5(H).

(F) **PARKING LOTS.** Parking Lots must be located to the rear or sides of Buildings to the maximum extent feasible.

(G) **BERMS/EARTHWORK SCREENING.** All earthen berms and earthwork Screening must be Graded and planted in such a manner so as to permit views of primary uses on the Site from the adjacent entry corridor roadway. Additionally, berm crests shall be contoured and varied in height to avoid a straight-line barrier effect.

(H) **FENCING.** All Fences in the ECPO must be of one of the following styles:

- (1) Wooden rail,
- (2) Architecturally Compatible solid wood and natural stone,
- (3) Stock Fences,
- (4) Various forms of steel Fencing as determined by the Planning Department, not including chain link Fencing.

(I) **BUILDING HEIGHT.** No Building within the ECPO shall exceed the following height limits, as defined in Chapter 15 of this Title:

- (1) Twenty feet (20') if the entry corridor Setback is less than one hundred fifty feet (150').
- (2) Twenty-five feet (25') if the entry corridor Setback is greater than one hundred fifty feet (150') but less than two hundred feet (200').
- (3) Up to the maximum height allowed by the underlying zone if the Setback is two hundred feet (200') or greater.

In addition, Buildings may be required to be stepped back to preserve and enhance important views.

(J) **PEDESTRIAN FACILITIES.** Trails and sidewalks shall be provided in all ECPO Developments in accordance with the

Park City Trails Master Plan. Trails and sidewalks may occupy Setback Areas.

(K) **LANDSCAPING/VEGETATION PROTECTION.** A landscaping plan shall be required for all ECPO Developments, and all Significant Vegetation protection shall be undertaken pursuant to LMC Chapter 15-5.

(L) **DESIGN STANDARDS.** All Development within the ECPO shall comply with the design standards contained in LMC Chapter 15-5.

(M) **TRAILHEAD PARKING.** Trailhead parking of less than twenty-five (25) spaces is allowed within the Setback Area but at least thirty feet (30') outside of the UDOT Right-of-Way. Parking must be adequately Screened with berms and/or landscaping to a height of at least three feet (3') above the surface of the Lot unless said landscaping/berming is discouraged by UDOT for sight/safety reasons. Vehicular Access to trailhead parking Lots is to be by City Streets if possible or by permission of UDOT if from a State Highway. Any Structure, way finding sign or Use is subject to the Conditional Use permit review.

(N) **OUTDOOR DISPLAY OF ART.** The permanent installation of an outdoor display of art that requires a fixed, impervious location on or above the ground (a Structure) is allowed as an administrative Conditional Use within the Setback Area but at least thirty feet (30') outside of the Utah Department of Transportation (UDOT) Right-of-Way. Outdoor displays of art are subject to the provisions of Title 15-4-15.

(O) **PUBLIC PARK FACILITIES.**

(1) The permanent installation of outdoor recreational equipment that requires a fixed, impervious location on or above the ground (a Structure) is allowed as an administrative Conditional Use within the Setback Area but at least thirty feet (30') outside of the Utah Department of Transportation (UDOT) Right-of-Way.

(B) Public park Accessory Buildings less than eighteen feet (18') in height and six hundred square feet (600 sq. ft.) in size are allowed as a Conditional Use within the Setback Area but at least thirty feet (30') outside of the Utah Department of Transportation (UDOT) Right-of-Way.

(Amended by Ord. Nos. 04-17; 04-31; 06-76)

EXHIBIT L

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
FEBRUARY 26, 2014

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Preston Campbell, Steve Joyce, John Phillips, Adam Strachan, Clay Stuard

EX OFFICIO:

Planning Director, Thomas Eddington; Kirsten Whetstone, Planner; Francisco Astorga, Planner; Anya Grahn, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

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3. **Round Valley Park City Annexation – Annexation of 1,368 acres located in Sections 28, 33, 34 and 35 T1SR43 and Sections 2 and 3, T2SR4E east of US40 and north of SR248 requested zoning is ROS, Recreation Open Space (1,363 acres) and LI, Limited Industrial (5 acres.) (Application PL-13-01893)**

Planner Kirsten Whetstone reviewed the request for annexation and zoning for the Round Valley Park City Annexation and Zoning petition, to annex 1,368 acres. The petition is Park City Municipal and the request is for the Recreational Open Space Zoning (ROS). The petition also requests Light Industrial Zoning (LI) for approximately 5 acres. Planner Whetstone presented a color coded area map. The purple showed the annexation lands with deed restrictions. The green represented annexation lands with conservation easements. She indicated that area requested to be zoned LI, which were border parcels off of SR248.

Planner Whetstone explained that annexations require legislative action. The Planning Commission makes a recommendation to the City Council on both the annexation and the zoning. The City Council takes the recommendation into consideration and also conducts their own review before taking final action on the annexation.

Planner Whetstone noted that this was the initial public hearing on the proposed annexation. She stated that after the petition was submitted there was a question on whether a specific parcel would be part of the annexation. After some discussion the owners decided not to come in with the City and that delayed the process. Planner

Whetstone remarked that the City Council accepted the petition in 2013 and the Annexation Petition was certified by the City Clerk. Notices were sent to the Affected Entities informing them that Park City was entertaining an annexation petition. The process requires a 30 day protest period and it must be noticed in the newspaper for three consecutive weeks. No protests were filed with Summit County. The public hearings can now move forward beginning with the Planning Commission.

Planner Whetstone stated that the agenda requests that the Planning Commission continue this item to March 12, 2014. However, she recommended that the Commissioners hold a site visit on March 12th and actually continue the item to April 9th, at which time the Staff report will be more detailed and address all the requirements of the annexation policy plan.

Heinrich Deters, the Trails and Open Space Project Manager with the Sustainability Department, stated that he oversees open space and trails maintenance. He also works on the property side as the City representative, which was his reason for attending this evening. He was available to answer questions.

Mr. Deters presented a color-coded map. The orange dotted line was the annexation declaration boundary. The yellow was city-owned property. The green identified the current City limits. He indicated an island piece and a larger area shown in yellow that leads out to the recreation areas. Mr. Deters stated that the proposed annexation area is primarily City-owned open space that did not come in with the Park City Heights or Quinn's Junction annexations.

Mr. Deters commented on some of the items for discussion outlined in the Staff report. He noted that the areas proposed for Light Industrial are parcels that were purchased by the City in 2005 specifically for future Public Works. It was a land acquisition recognizing that something like Park City Heights or the movie studio would occur in the near future. Mr. Deters noted that there has been a lot of discussion about how Public Works was being pushed out of town and the maintenance costs associated with it. He explained that the purpose for the City to utilize that property in an area where there would be a signalized light and Park City Heights across the street was good planning for public services and the level of service the constituents have requested.

Mr. Deters presented a slide showing the conservation easements, which was Exhibit C in the Staff report. He noted that most of the conservation easements in Round Valley were exactly the same. In 2005 several conservation easements were granted to Summit Lands Conservancy, and they were basically recreational and open space easements. Mr. Deters presented the purpose statement from one of the easements to show the language. When the easements were granted in 2005 it mirrored the bond language so the voter approved bond and the funds that were used to purchase those parcels mirror one another.

Mr. Deters remarked that the deed restricted parcels came about in different ways; however, most were bonded. He reviewed the different parcels and explained the terms of the deed restriction.

Mr. Deters noted that when the notices were sent, Planner Whetstone received questions from the public asking which ordinances would change if this area were annexed. Mr. Deters stated that since it was mostly Round Valley it was recreational area. He stated that with this annexation the City has an Animal Control Ordinance, Title VII, which was drafted to mirror the County ordinance. Mr. Deters commented on past concerns associated with hunting in the area. The annexation would bring into the City the Discharge Ordinance which would help strengthen hunting enforcement. To address questions about special events, Mr. Deters stated that special event and trail events are already managed by the Special Events Department. The City also has a specific Trail Event Policy already in place. Summit County Health would still oversee events that have food or other items related to the health code. Mr. Deters reiterated that the trails are existing and the City has a service contract with Mountain Trails Foundation to provide trail maintenance and trail construction. They also provide green services for the City. The City provides the land and the groomer and Mountain Trails provides the grooming services.

Mr. Deters commented on a reference to Old Ranch Road in the Staff report. He noted that a trailhead is located on Old Ranch Road and the City has an agreement with Basin Recreation to help with maintenance because their facilities are so close.

Commissioner Joyce recalled previous discussions about possibly using a portion of Round Valley as water storage. He asked Mr. Deters if that was part of this annexation or where it fits in. Mr. Deters identified the area on the map referred to as Round Valley. He noted that the discussion came about as part of a Weber Basin Water group. It is a multi-party regional agreement and the City is a participant. They talked about water storage and that area was identified as a potential location. Mr. Deters remarked that at this point it was only in a study that the City was a participant. He was not prepared to say whether it would actually take place, but if it did, it would go through all the appropriate planning and permitting processes.

Diane Foster, the City Manager, provided clarification on the water issue. She explained that Mr. Deters was not involved in the Western Summit County Water Basin agreement, which was an agreement between Mountain Regional Water, Summit Water, Weber Basin Water Conservancy District, and Park City. Ms. Foster stated that there was a lot of debate during that process that if it ever needed to happen, they would have water storage in a place such as a reservoir, which is significantly different from building storage facilities. The question was who would be the decider. Ms. Foster remarked that at one point it was Weber Basin who makes the decision or a combination of Summit County and Park City. The City Council was very firm in the agreement, that should it ever need to occur in the future it would be a City Council decision, in conjunction with working with the Lands Conservancy. There were

questions on whether or not interpretation of the deed restriction would allow a reservoir.

Commissioner Joyce understood that the the storage would be in the annexed land. He asked if annexing would have any effect on how the City would make that decision or how much control they would have. Ms. Foster replied that the City has the power of eminent domain, which is one of the powers available to a City on the issue of reservoirs.

Assistant City Attorney McLean explained that the City owns the land. The only difference is that annexation would not only give the City control as the owner, but also as the regulator. Therefore, it would have to meet the requirements of the LMC and other regulations.

Commissioner Stuard noticed in the Staff report the discussion about whether ROS or POS was the appropriate pre-zoning for this area. He believed that the POS definition fit closer to the reason why the property was acquired. He asked if there were any shortcoming for using POS instead of ROS. Mr. Deters answered no because the two zones were very similar. The restrictive covenants would not allow for most of the things identified in POS or ROS.

Commissioner Stuard stated that he had spoken with Planner Whetstone about the “Gordo” parcels and where they were. He also visited the site to get a better idea. Commissioner Stuard thought it appeared that at least one of the UDOT parcels was bifurcated by the access road straight across from Richardson Flats. The two City parcels are on the left-hand side of the access road and are currently being used for temporary storage of construction materials. He felt it was important to point out for those who were not familiar with the location of those parcels. Commissioner Stuard stated the remaining UDOT parcel appears to be bifurcated by an existing bike/walk path that does not have a lot of usable area. Planner Whetstone agreed. She noted that there is a thin UDOT parcel that runs to the north of the LI parcels. Commissioner Stuard noted that the Staff report talks about the appropriate pre-zoning being CT rather than LI. In looking at the allowed and conditional uses under the CT Zone, he believed it fit all the potential uses being talked about. Commissioner Stuard pointed out that the LI zoning allowed a much broader range of uses and he questioned whether they would be appropriate in that location.

Commissioner Joyce stated that he came to the same conclusion that the POS zone fit the existing deed restrictions. If there was no downside, he preferred POS because it was consistent with how it was already deeded and protected. Commissioner Joyce had the same concerns with the Light Industrial parcels. He did not believe the allowed uses for the LI zone would be appropriate for such an important entry corridor.

Mr. Deters stated that he works with Public Works and he would like the opportunity to make sure they were comfortable with the POS zoning being proposed by the Commissioners.

Chair Worel stated that she was also uncomfortable with zoning those parcel Light Industrial. She asked if the City needed that space. Mr. Deters replied that snow storage is always an issue and when the water treatment plan went in they found a landowner who allowed the City to store snow at no cost. He explained that the further out of town, the cost of providing those types of services increases. This proposal would provide the opportunity for the City to meet the goal of maintaining the desired level of service without increasing taxes.

Commissioner Joyce understood the intent; however, as much as they were trying to protect the entry corridors, he thought they should start with a more conservative approach. He used the example of UDOT or someone else parking 40 industrial-sized vehicles on the property, which would be very inappropriate for the entry corridor and inconsistent with everything else they were trying to accomplish. Commissioner Joyce understood costs and needs, but he thought the City should live by the same rules as everyone else.

Assistant City Attorney McLean asked Planner Whetstone to point out where the Frontage Protection Zone overlays the parcels. Mr. Deters stated that it was not a factor. Ms. McLean clarified that the LI parcels were not part of the Frontage Protection Zone. She was told that this was correct.

Director Eddington explained that the POS allows for a conditional use for an essential municipal utility. As a conditional use it would have to come back to the Planning Commission without allowing it as a by-right use. Planner Whetstone stated that per the LMC, there is a 250 foot setback requirement within the Entry Corridor Protection Zone. She noted that there were allowances in the CT zone for municipal institutional buildings and uses. The conditional uses have further lot and size requirements that do not exist in the Light Industrial Zone. She stated that the Staff had the same concerns and they would like input and direction from the Planning Commission. Planner Whetstone offered to provide a comparison matrix for discussion at the next meeting.

Commissioner Joyce stated that as long as the more conservative approach works it should be their default. If they encounter issues or problems by being too conservative, they could specifically address the issues at that time.

Commissioner Strachan clarified that there was no consensus among the Commissioners for CT or LI zoning. He believed the comments only related to POS versus ROS. Commissioner Joyce agreed that there was no consensus, but he personally thought the same concerns applied to the CT versus LI zones. He did not favor having light industrial zoning right up to the street on a magnificent view corridor. Commissioner Strachan concurred. He assumed the decision for POS versus ROS also applied to the Gordo parcels. Commissioner Joyce stated that his comments did not consider the Gordo parcels and he was concerned that they would end up with problems if they applied it to the Gordo parcel.

Director Eddington stated that a conditional use for a municipal facility would have to come before the Planning Commission. Commissioner Strachan pointed out that if it was zoned ROS, municipal facilities 600 square feet or less are allowed, and it would not be required to come before the Planning Commission. Commissioner Strachan did not believe there was any debate over the non-Gordo parcel. They would either stay ROS or POS. He thought the discussion should be focused on the Gordo parcels and how those parcels should be zoned. He personally thought it should be uniform. If the adjacent contiguous and non-contiguous parcels were all zoned ROS or POS, he believed the Gordo parcels should be zoned the same. Commissioner Strachan pointed out that if the City wants the parcels zoned Light Industrial so it can be used as snow storage, that would not be prohibited in the ROS. Anything over 600 square feet would require Planning Commission review.

Assistant City Attorney McLean suggested that the Staff prepare a chart comparing ROS POS, CT and LI zones for the Planning Commission to use at the next meeting when trying to determine the appropriate zones. She also recommended that the Staff talk with Public Works to inventory their needs and understand their intentions for the parcels. Commissioner Strachan requested that the comparison matrix also show the base density allowed under each zone.

Ms. Foster stated that the City paid a premium for the Gordo parcels and they would not have spent that amount of money if they thought it was going to remain open space. She pointed out that the contemplated use may be a future recycle center. Ms. Foster suggested that the Commissioners visit the site before deciding on the zoning. She assumed they were not aware of the number of buses Gordo used to store there because it cannot be seen from the road. It is currently used as a staging site for recycling building materials.

Commissioner Campbell remarked that if Light Industrial could be a non-municipal use, he wanted to know if Burt Brothers could go in that location. He was told that it was a possibility. Commissioner Campbell felt that was a good reason to tighten the zoning now to preclude that from occurring in the future. He was willing to look at whatever use the City would like to put in, but he would like to make it more difficult for a non-municipal business, regardless of whether it would be seen from the road.

Commissioner Strachan thought Commissioner Campbell made a great point because as Park City Heights and the movie studio get built out, the demand for commercial and office space would be significant.

Chair Worel opened the public hearing.

Mary Wintzer, 320 McHenry, appreciated the concerns in wanting to keep the zoning tightened up, and she understood Ms. Foster's point. However, in reference to helping the City save money, she believed the more important point was helping the taxpayers save money. Ms. Wintzer thought most of the taxpayers would want the Planning Commission to go in the direction of protecting the entry corridor. Ms. Wintzer stated

that if an individual was making this application they would have to follow all the requirements, and she felt the City, as the applicant, should be held to the same restrictions. Ms. Wintzer remarked that another reason for holding the zoning tighter is to give more control and input. She used the salt shed as an example where more control would have produced a better result. The CUP process provides a better chance of avoiding these mistakes. Ms. Wintzer stated that when the extension was made to the City Shop, all of the equipment was parked along the front on the road. She would not want to see the same thing inadvertently occur on the entry corridor. Ms. Wintzer thanked the Planning Commission for thinking ahead.

Chair Worel closed the public hearing.

Commissioner Campbell noted that that skiers, bikers and hikers use that area. If the annexation occurs, He would like to see some type of administrative mechanism put in place to address any problems and ensure that the various groups get along. Commissioner Strachan thought it was a broader issue because the same thing was starting to happen on all of the trails and not just Round Valley.

Assistant City Attorney McLean did not believe that annexation would change the administration unless they change the laws throughout Park City. However, it was a good point that the Staff should take into account.

Mr. Deters stated that it was an etiquette issue and they have tried to address it through trails education. He noted that Commissioner Campbell's point was well taken.

Planner Whetstone remarked that the Staff would organize a site visit to the Gordo parcels on March 12th. The Planning Commission should continue this item to April 9th for continued discussion and public hearing.

MOTION: Commissioner Strachan moved to CONTINUE the public hearing on the Round Valley Annexation to April 9, 2014. Commissioner Phillips seconded the motion.

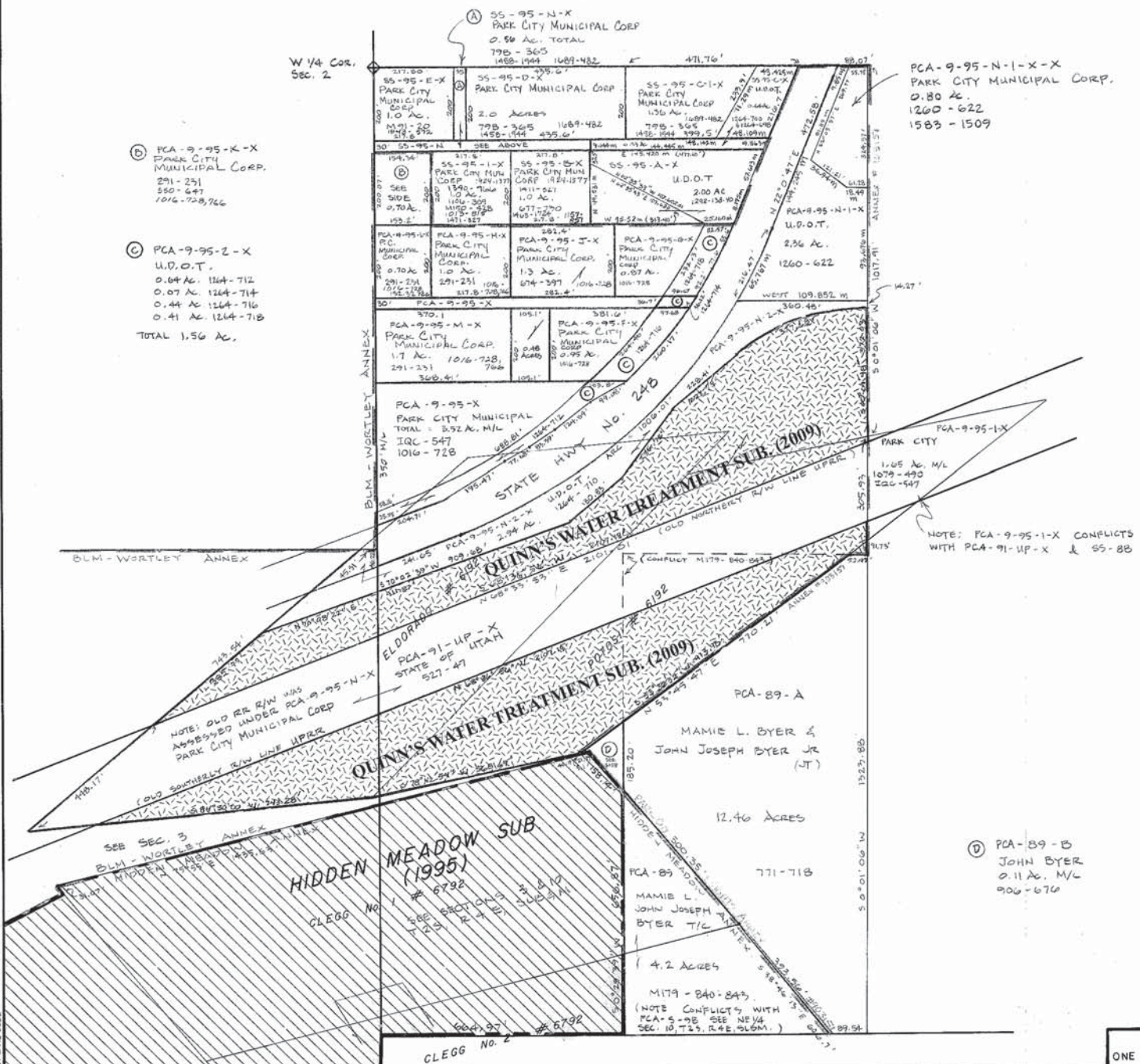
VOTE: The motion passed unanimously.

EXHIBIT M

S U M M I T C O U N T Y U T A H

W 1/2 of SW 1/4 SECTION 2

T 2 S - R 4 E, SLB & M

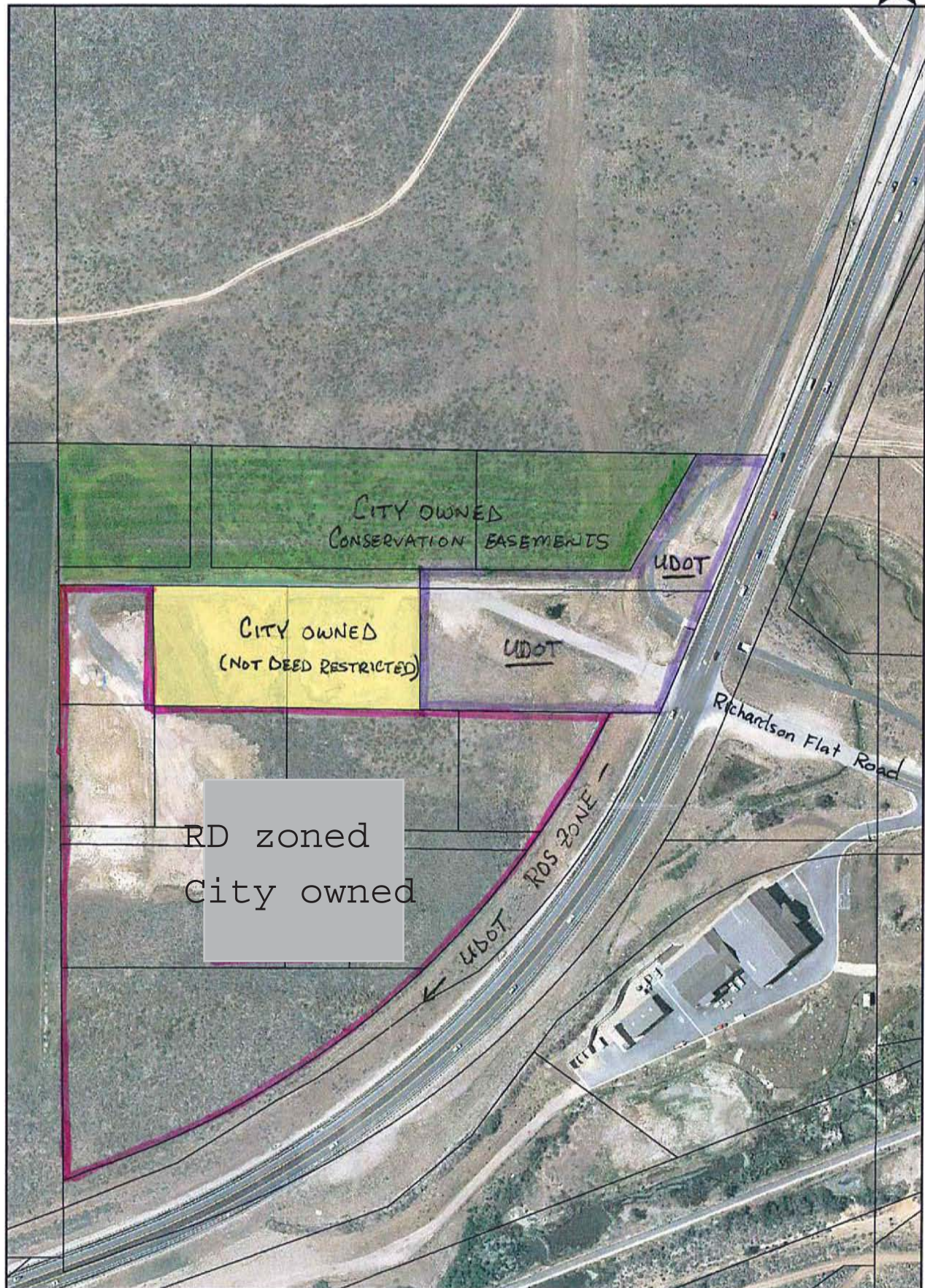


SCALE
ONE INCH = 200 FEET

W 1/2 SW 1/4 SEC. 2

Gordo Parcels

N



PARK CITY

1884

Gordo parcel information

City Council Staff Report



Authors: Tom Bakaly
Subject: Potential Purchase of 2 acres of Land from Gordon Cummins
Date: March 27, 2008
Type of Item: Potential Purchase of Property

Summary Recommendation - Request authorization for City Manager to sign a REPC with Gordon Cummins to purchase 2.0 acres of land, located to the north of Hwy 248 across from the entrance to the old dump and for a two-year lease with Mr. Cummins for use of the land.

Topic: Potential purchase property.

Background:

The City and Gordon Cummins have discussed the potential purchase of his 2.0 acres as open space in the past, but never got to a point ordering an appraisal or approaching COSAC. Gordon recently approached the City and discussed a price of \$500,000 for the purchase of the 2.0 acres.

He stated that he is not interested in seeing an appraisal nor negotiating a different price. At about the same time staff heard from Mark Fisher (NOMA) that he was looking to purchase the 2.0 acres and offer it as a trade for the land that Recycle Utah occupies. The City has looked at selling and/or trading land in the Park/Bonanza District with Mark Fisher to assist in filling the City's property needs as well as keeping a Recycle Utah presence in town or including them within a larger Public Works facility outside of town. During discussions with Recycle Utah of potential relocation they have strongly expressed that they wish to only move once.

Analysis:

The 2.0 acres owned by Gordon Cummins is within Summit County. It was platted in 1997 and can accommodate one single-family residence each. The City purchased the adjacent 1.0 acre Sanchez property in 2006 for \$120,000. Summit County provided the City with a preliminary analysis of the lots and development potential and the information is attached as Exhibit B. When the City began purchasing Round Valley 40 acre properties the price increased as each parcel was purchased. As time progressed and more properties were purchased we saw the prices increase from \$325,000 to \$1,000,000 and acre.

The location of Gordon's 2.0 acres lines up with the old dump road. There is a plan for a signaled intersection with the ongoing review of Park City Heights. The light would not be operational until 2010 and design of the light could move it east or west depending on UDOT's specifications and not be directly across from the driveway accessing these 2.0 acres. The 2.0 acres are surrounded by City-owned open space, and the specific

site is lower than the grade of the surrounding land which screens the current operations on the site. Staff believes that the City retains the best potential for the land by purchasing it.

Purchasing and land banking the land allows time for Council to discuss the best potential for the land from open space, affordable housing or for additional area needed for current operations on City land.

Department Review: This report was reviewed by representatives of the Sustainability, Budget, Legal and City Manager's Office.

Alternatives:

- A. Approve the Requests:** Staff recommends approving the purchase and lease of the property allowing potential future use of the property or preservation.
- B. Deny the Request:** Deny the request and halt the purchase of the property.
- C. Continue the Item:** Request additional information from Staff.

Staff Recommendations:

Staff recommends purchasing and land banking the property for future discussions of open space, affordable housing, or for additional area needed for current operations on City land.

Attachments:

Attachment A – Draft Lease Agreement

**Gordon Cummins
Park City Municipal Corporation
2008 Property Lease**

THIS AGREEMENT is made by and between Park City Municipal Corporation (hereinafter referred to as "Landlord") and Gordon Cummins (hereinafter referred to as "Tenant") to set forth the terms and conditions under which Landlord will lease parcels SS-95-B and SS-95-1 along Hwy 248, Summit County, Utah (hereinafter referred to as the "Property") to Tenant. The parties agree as follows:

1. Property. The property leased is as shown in Exhibit A (attached and hereafter referred to as Property).
2. Term. The Lease term shall commence on April 15, 2008, and shall run for two (2) years through April 15, 2010.
3. Rent. The rent for the leased space shall be as follows:
 - a. Rate: Tenant's annual rental obligation shall be Twenty-Four Thousand Dollars (\$24,000) for the leased property.
 - b. Payments: Rent shall be paid in equal monthly installments of Two Thousand Dollars (\$2,000). Beginning May 1, 2008, rent shall be due on the first of each month, and past due if not paid by the tenth of the month.
 - c. Deposit: No Deposit is required.
4. Utility Service. Landlord shall be responsible for natural gas, electricity, sewer, refuse collection and water for the leased space. Tenant will be responsible for all utilities at the site and shall establish an account with each of these utilities in its own name.
5. Use of the Property. The Property shall be used only for vehicle parking and storage. All other uses shall be prohibited.
6. Telephone, Cable and Microwave. The Tenant will install its own telephone, television, computer and other communication equipment in the leased space. Any specialized communication facilities, equipment, wiring, cables or installations will be the Tenant's responsibility.
7. Insurance. The Tenant will provide insurance at its expense covering its contents against loss through theft, fire, vandalism or similar casualties. The Landlord will maintain insurance on the structure for the replacement of the building itself, and the contents of the building owned by Landlord. The Landlord also carries a public liability policy insuring it against claims of personal injury on Landlord's property. The Landlord's policy does not cover the Tenant's employees or patrons who are on Landlord's property exclusively for the purpose of doing business with the Tenant. The Tenant agrees to maintain a comprehensive property liability policy written on an occurrence basis with limits no less than two million dollars (\$2,000,000) combined single limit per occurrence and four million dollars (\$4,000,000) aggregate for personal injury, bodily injury and property

damage and to obtain a certificate of insurance naming Park City Municipal Corporation and the Municipal Building Authority of Park City as additional insured and evidencing coverage as to any person on the Property as a result of Tenant's programs or activities. The Landlord is protected by the Utah Governmental Immunity Act, and nothing herein is intended to waive or limit the protection of the Act on behalf of either entity, but to the extent it is consistent with this intent, it is the purpose of this provision to protect the Landlord for liability or allegations arising out of the Tenant's use of Landlord's property.

8. Payment of Taxes and Other Assessments. As tax exempt entities, neither the Landlord nor Tenant expects to be assessed real estate and personal property taxes and other related assessments or taxes on the Property. However should the Tenant change the tax status or should other circumstances cause taxes or assessments to be imposed on the Property, then Tenant shall pay real estate and personal property taxes and other related assessments or taxes on the Tenant's Property during the term of this lease.
9. Liens. Tenant shall not permit any liens to attach to the property for work done at Tenant's request or for Tenant's benefit. If Landlord received notice of any such against the property, Tenant shall promptly discharge the lien at Landlord's request, or post fund sufficient to satisfy the lien during any period of good faith contest of the lien by Tenant. In the event Landlord reasonably feels its title to the property is in jeopardy because of any lien Tenant has elected to attach to the property, Landlord may discharge the lien and collect the amount paid from the Tenant. The Tenant agrees to pay all reasonable costs incurred by the Landlord in the defense or discharge of any liens on the property.
10. Tenant Improvements. The Property are being leased to Tenant in as-is condition. Any additional improvements desired by the Tenant must be approved in advance by the Landlord in writing and are the responsibility of the Tenant, with no allowance made for the costs of the Tenant improvements unless agreed to by Landlord in writing. At the expiration or termination of the Lease, all Tenant improvements become property of the Landlord unless specifically exempted in writing prior to installation.
11. Signs. Landlord reserves the right to specifically review and approve or reject proposed signs on the property. Landlord's approval for signs will not be unreasonably withheld, so long as the sign is directional rather than promotional, meets the requirements of the Summit County Sign Code. Signs shall be removed and any damage resulting from removal shall be repaired at the termination of the Lease.
12. Assignment/Sublease. The Lease may not be assigned.
13. Remedies. In the event the Tenant fails to pay monthly installment payments when due, or violates or reaches any other term or condition of the Lease, Landlord shall have the right to exercise the following remedies, and any other remedies available at law or equity:
 - a. Landlord may, by written notice to Tenant, demand that Tenant either pay rental installments due within ten (10) days, or quit the Property within fifteen (15) days;
 - b. Landlord may permit the Tenant to remain in possession and sue for the

- installments that are past due;
- c. Landlord may re-let the Property for Tenant's account at the rate and on such terms as are commercially reasonable at the time and under the circumstances, and charge Tenant for any difference in the rental received and the rental agreed to herein, provided that any re-letting shall be done in good faith under the circumstances;
 - d. Landlord may agree to a payment of damages in such amount as the parties then agree, and release the Tenant from obligations under this Lease entirely. Unless Landlord has released Tenant's continued performance under this Lease, Tenant is deemed to be in possession of the Property, and any re-letting by Landlord in on Tenant's account. Tenant is responsible for all payments and obligations under the Lease until Landlord releases Tenant.
14. Covenant of Quiet Possession. Landlord covenants with Tenant that Landlord owns or controls the Property and that Tenant's possession will not be disturbed by acts or omissions of the Landlord so long as Tenant faithfully performs the obligations of this Lease.
15. Maintenance. Maintenance of the site and snow removal shall be Tenant's responsibility.
16. Force Majeure. This Lease Agreement shall automatically terminate upon any holding, interpretation, or determination by a court, legislative, or administrative body that Landlord may not lease to a private educational entity or similar establishment or that the Landlord may not lease to a private entity either under existing state and federal law regulation or future state and federal law regulation.
17. Increased Insurance Risk. Tenant will not permit said Property to be used for any purpose which would render the fire insurance on the building or the Property void or cause cancellation thereof or increase the insurance risk or increase the insurance premium in effect at the time of the terms of this Lease. Tenant will not keep, use or sell, or allow to be kept, used or sold in or about the Property any article or materials which are prohibited by law or by standard fire insurance policies of the kind customarily in force with respect to the Property of the same general type as those covered by this Agreement.
18. Care and Repair of Property by Tenant. Tenant will inspect and accept the Property for the purposes of this agreement prior to taking occupancy. Tenant will not commit any waste on Property nor shall it use or permit the use of the Property in violation of any state law or county or municipal ordinance or regulation applicable thereto. Tenant may, with the prior written consent of the Landlord, but at its own cost and expense, in a good workmanlike manner, make such alterations and repairs to the leased space as Tenant may require for the conduct of its business without, however, materially altering the basic character for the building or improvements or weakening the structure on the leased Property. Any permanent alterations or improvements to the Property shall become the property of the Landlord upon expiration or termination of this Lease unless specifically exempted in writing prior to commencing work.

19. Damage or Destruction. If the Property or any part thereof shall be damaged or destroyed by fire or other casualty, the Property shall revert back to the Landlord and the lease shall terminate.
20. Surrender of Premise. Tenant agrees to surrender the Property at the expiration or sooner termination of this Agreement or any extension thereof in the same condition or as altered pursuant to the provisions of this Agreement. Ordinary wear, tear and damage by the elements or other acts of God excepted.
21. Hold Over. Should Tenant hold over the Property or any part thereof after the expiration of the term of this Lease unless otherwise agreed in writing, such holding over shall constitute a tenancy from month to month only, and Tenant shall pay as monthly rental the same monthly rental provided for herein.
22. Indemnity.
- a. The Tenant shall indemnify and hold the City and its agents, employees, and officers, harmless from and shall process and defend at its own expense any and all claims, demands, suits, at law or equity, actions, penalties, losses, damages, or costs, of whatsoever kind or nature, brought against the City arising out of, in connection with, or incident to the execution of this Agreement and/or the Tenant's defective performance or failure to perform any aspect of this Agreement; provided, however, that if such claims are caused by or result from the concurrent negligence of the City, its agents, employees, and officers, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Tenant; and provided further, that nothing herein shall require the Tenant to hold harmless or defend the City, its agents, employees and/or officers from any claims arising from the sole negligence of the City, its agents, employees, and/or officers. The Tenant expressly agrees that the indemnification provided herein constitutes the Tenant's limited waiver of immunity as an employer under Utah Code Section 34A-2-105; provided, however, this waiver shall apply only to the extent an employee of Tenant claims or recovers compensation from the City for a loss or injury that Tenant would be obligated to indemnify the City for under this Agreement. This limited waiver has been mutually negotiated by the parties, and is expressly made effective only for the purposes of this Agreement. The provisions of this section shall survive the expiration or termination of this Agreement.
 - b. No liability shall attach to the City by reason of entering into this Agreement except as expressly provided herein.
23. Landlord Liable only for Negligence. Except where caused by Landlord's negligence, Landlord shall not be liable for any failure of water supply, natural gas supply or electrical supply; or for any injury or damage to persons or property caused by gasoline, oil, steam, gas or electricity; or hurricane, tornado, flood, wind or similar storms or disturbances; or water, rain or snow which may leak or flow from the street, sewer, gas mains or any subsurface area or from any part of the building or buildings or for an interference with light.

24. Nondiscrimination. Tenant agrees not to discriminate against anyone on the basis of race, color, national origin, age, sex or handicap in its hiring practices, services or operation of its business hereunder.
25. Waiver of Covenants. It is agreed that the waiver of any of the covenants of this Lease Agreement by either party shall be limited to the particular instance and shall not be deemed to waive any other breaches of such covenant or any provisions herein.
26. Rights of Successors and Assigns. The covenants and agreements contained within the Lease shall apply to the benefit of and the binding upon the parties hereto and upon their respective successors in interest and legal representatives, except as expressly otherwise hereinbefore provided.
27. Notice Provision. Any and all notices required by this Lease Agreement shall be in writing and delivered personally to the party to whom the notice is to be given, or mailed by certified mail, postage prepaid, and addressed as follows:
If to Landlord:
Park City Municipal Corporation
P.O. Box 1480
Park City, Utah 84060

If to Tenant:
Gordon Cummins
PO BOX 681780
PARK CITY, UT 84068-1780
28. Entire Agreement. This agreement constitutes the entire and only agreement between parties and it cannot be altered or amended except by written instrument, signed by both parties.

DATED this _____ day of February 2008.

PARK CITY MUNICIPAL CORPORATION

Tom Bakaly, City Manager

Attest:

Janet M. Scott, City Recorder

Approved as to form:

City Attorney's Office

GORDON CUMMINS

Gordon Cummins

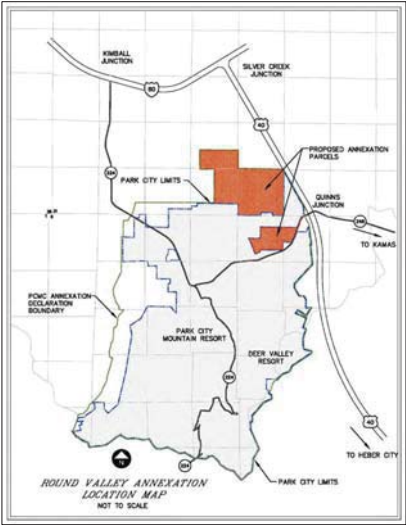
ACKNOWLEDGMENT

STATE OF UTAH)

: ss.

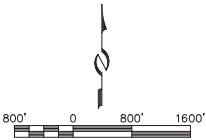
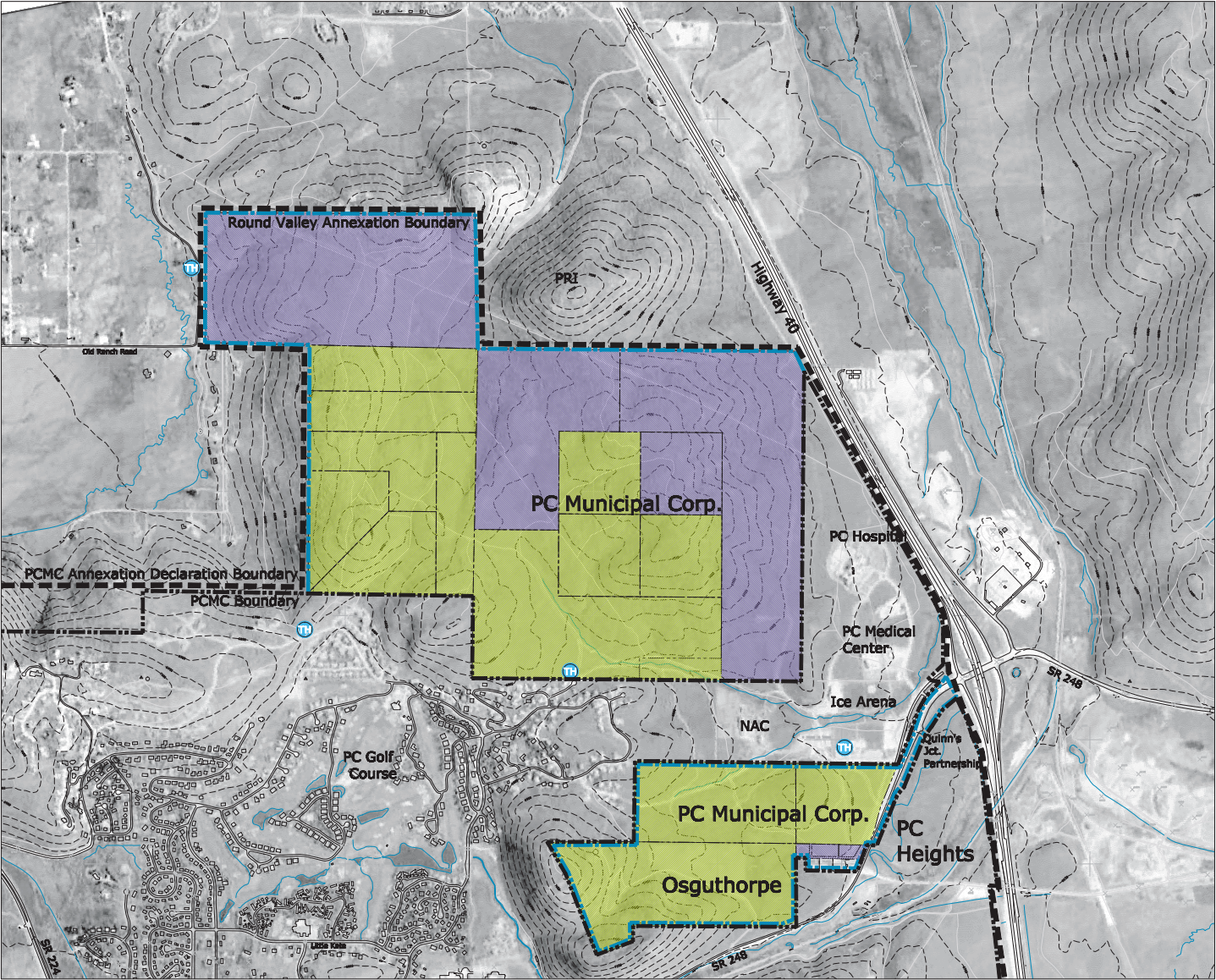
COUNTY OF SUMMIT)

On this _____ day of February, 2007, personally appeared before me Gordon Cummins, and acknowledged to me that the preceding Agreement was signed on behalf of said company, and he acknowledged that the company did execute the same for its stated purpose.



LEGEND

- Annexation lands with existing Conservation Easements
- Annexation lands with existing Deed Restrictions
- Round Valley Annexation Boundary
- PCMC Annexation Declaration Boundary
- Existing PCMC Boundary



 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 322 Main Street P.O. Box 2654 Park City, Utah 84060-2654	(435) 648-9467	STAFF: STEVE SCHUELER	ROUND VALLEY ANNEXATION PETITION Conservation Easements+Deed Restrictions PARK CITY MUNICIPAL CORPORATION FOR: PCMC JOB NO.: 7-1-12 FILE: X:\Quinn's Junction\dwg\Existing Conditions map no ortho.dwg	SHEET 1 OF 1
	DATE: 6/16/13			

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
AUGUST 27, 2014

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Preston Campbell, Stewart Gross, Steve Joyce, John Phillips, Adam Strachan, Clay Stuard

EX OFFICIO:

Planning Director, Thomas Eddington; Kirsten Whetstone, Planner; Christy Alexander, Planner; Anya Grahn, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

Chair Worel called the meeting to order at 5:35 p.m. and noted that all Commissioners were present.

ADOPTION OF MINUTES

August 13, 2014

MOTION: Commissioner Phillips moved to APPROVE the minutes of August 13, 2014 as written. Commissioner Campbell seconded the motion.

VOTE: The motion passed. Commissioners Strachan and Joyce abstained since they were absent from the August 13th meeting.

PUBLIC INPUT

Mary Wintzer, a resident at 320 McHenry stated that she is part owner of the Iron Horse District, one of the two largest stakeholders in the BoPa area. Ms. Wintzer noted that she had to leave town after the special meeting on August 6th and this was the first opportunity she had to publicly thank the Planning Commission for the thoughtful questions they asked regarding the Bonanza Park Plan. She has been asking those same questions for three years. Ms. Wintzer believed much of the process has been lacking. She called her partners, the Wolf Family, who own the Sports Authority building, and they said they have never received notification about Bonanza. Ms. Wintzer remarked that by typing in Bonanza Park Redevelopment on YouTube you can see the very first presentation that

4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 15 Anchor Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.

2. The applicant will record the plat amendment at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. No building permit for any work that expands the footprint of the home, or would first require the approval of an HDDR, shall be granted until the plat amendment is recorded with the Summit County Recorder's office.

4. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.

5. The addition of a plat note specifying that further subdivision and/or the development of additional units beyond the two (2) single family houses on Lots 1 and 2 shall be prohibited.

6. The plat shall contain a note referencing the 2008 access agreement for the private driveway.

7. The applicant shall change the addresses of Lots 1 and 2 of the 15 Anchor Avenue Subdivision to the satisfaction of the City Engineer and the addresses shall be identified on the plat prior to plat recordation.

8. An encroachment agreement for the historic shed is recommended.

4. **Round Valley Park City Annexation and Zoning Map Amendment – Annexation of 1,368 acres located in Sections 28, 33, 34 and 35 T1SR4E and Sections 2 and 3, T2SR4E East of US 40 and North of SR 248. Park City Municipal is the applicant. The requested zoning is Recreation Open Space (1,262 acres) and**

LI, Limited Industrial (2 acres). The property is primarily City owned open space encumbered with conservation easements, with the exception of two 1 acre City-owned, non-encumbered parcels, and includes the 120 acres Osguthorpe conservation easement area. (Application PL-13-01857)

Planner Whetstone reviewed the application for approximately 1368 acres of almost exclusively open space areas purchased by the City. Most of the properties have conservation easements and deed restrictions. The properties are owned by Park City but they are located in unincorporated Summit County. Planner Whetstone noted that the annexation petition was submitted by Park City Municipal as the property owner.

Planner Whetstone stated that the first step of an annexation is to take the petition to the City Council, and that was done March 21st, 2013. The City Council accepted the petition and proper noticing was done. During the three week noticing period the Planning Department received no protests and; therefore, a hearing with the Boundary Commission was not necessary. The next step was to notice all the affected property owners, which includes all the special improvement districts and any municipalities and counties that might be affected. No comments were heard during that noticing period. Planner Whetstone remarked that in February 2014 the Staff brought this petition to the Planning Commission for discussion. The proposed zone is the ROS, Recreation Open Space. Planner Whetstone noted that the red lines on the site plan identified the existing trails. A 121 acres is still owned by the Osguthorpe Family Trust, and the City has a conservation easement on the property that allows for recreation use in the winter. The 121 acres is zoned agriculture and has an agricultural use that would continue. An agreement in the annexation indicates that the only water rights would be on that property.

Planner Whetstone reported that the current zoning is rural residential which allows a density of one unit per 20 acres; or one unit per 40 acres on Sensitive Lands. The Hillside Stewardship, which is primarily the Osguthorpe property or property on other hillsides is one unit per 30 acres for developable and one unit per 40 for sensitive.

Planner Whetstone stated that the requested zoning was ROS, which the Planning Department agreed with. She noted that the Planning Staff would work with the City Attorney to attach all of the recorded deed restrictions and conversation easements to the annexation agreement for easy reference.

Planner Whetstone presented an exhibit showing the existing zoning, the proposed zoning and the surrounding zoning. She indicated the northern area and the southern area with an area of City in between with 250' feet along Highway 248 in the frontage protection zone. Planner Whetstone indicated two one-acre parcels known as the Gordo parcels. The Planning Commission held a site visit in June to look at those two parcels. Other than

the UDOT parcels, the Gordo parcels are the only parcels that do not have a deed restriction. The Gordo parcels were purchased for the purpose of land banking the property to allow time for the City Council to discuss the best potential for the land, which may include open space, affordable housing or additional area needed for current operations on City land for uses such as recreational and/or public works support. Those uses are consistent with the ROS zone. The City, as the petitioner, was requesting Light Industrial Zoning for those parcels. The Staff was hesitant to support Light Industrial zoning and recommended that those two parcels be zoned ROS as well.

The Staff would make it clear in the annexation that if the City were to submit a proposal for public works or other support use, it would not be considered open space in the same way as the rest of the property that is zoned ROS. Planner Whetstone noted that the additional redlines in the annexation agreement was intended to make the difference in ROS zone uses more clear.

Planner Whetstone noted that an annexation requires a report to address all the specific criteria for reviewing an annexation. The Staff had conducted a review and believes the proposed annexation complies with all the requirements of an annexation. The Staff requested that the Planning Commission discuss the proposed zoning as outlined on page 339 of the Staff report. The Staff recommended that the Planning Commission review the annexation petition and the report, conduct a public hearing and consider forwarding a positive recommendation to the City Council in accordance with the draft ordinance.

Heinrich Deters, representing Park City Municipal Corp. as the petitioner, thanked the Planning Commission for attending the site visit in June. Mr. Deters stated that he is the Trails Coordinator and he does trails, open space, walkability and property for the City. He introduced Roger McClain with the Water Department. Mr. Deters noted that Mr. McClain would provide insight on some of their needs, as well as recent experiences and issues the City has had with limitations on Public Works facilities.

Mr. Deter noted that the Staff report contained a report from the former City Manager, Tom Bakaly, regarding the purchase of the Gordo parcels. Mr. Deters stated that as the City grows it will be necessary to look at that property for various options, including affordable housing and public facilities and services.

Mr. Deters stated that when the City made the application, they looked at the parcels and proposed Light Industrial with the intent of clarity and transparency for the public. They wanted it clear that these parcels were owned by the City but it would not be open space. Mr. Deters understood that the Planning Commission had concerns with LI zoning along the entry corridor. He believed the Planning Staff had done a good job of proposing recreational open space because it meets the goals of the entry corridor uses and it

acknowledges that it is a conditional use is required for a public facility greater than 600 square feet.

Mr. Deters stated that the City was requesting additional language through the annexation agreement that was provided to the Staff this evening. He asked that the Planning Commission allow time for the City Legal Department to review that language before it is adopted by the City Council.

Mr. Deters commented on the needs of essential public facilities that need to be addressed. Roger McClain, with the Water Department, stated that Public Works was in the initial stages of a facility plan and moving forward as far as actual Public Works needs, size, site locations, etc. Nothing specific has been laid out and it will be a thorough process of programming and discussions with the Planning Department, the Planning Commission and the City Council to work through the issues. Mr. McClain remarked that it was important to preserve the available sites and make sure they were still on the table. This came to light during the paving operations utilizing the North 40 and conflicts that were encountered with the neighborhood when they tried to make it a staging area. Mr. McClain noted that it became apparent that they needed to be careful in how they address snow removal, paving, water operations, etc. Part of the process will be working through the issues and looking at the outcome. He pointed out that it is important to have good facilities for first responders in an emergency situation. Mr. McClain looked forward to many future conversations.

Mr. Deters stated that an item that comes up frequently for the Gordo parcels is the relocation of the Recycling Center. He noted that there have been discussions but nothing has been decided.

Commissioner Strachan asked if the City was considering any other parcels within the annexation area to apply for a CUP, or if it would only be the Gordo parcels. Mr. Deters replied that it was just the Gordo parcels.

Mr. Deters stated that another issue he would like the Planning Commission to address was the conservation easement on the Osguthorpe parcel. Agricultural uses currently take place on that property and if the parcel is zoned ROS it would become an existing non-conforming use. He believed people like the different agricultural uses in open space. Commissioner Strachan asked if the existing use was the alfalfa field. Mr. Deters answered yes. Commissioner Strachan questioned why that would be non-conforming with the ROS zone. Planner Whetstone explained that conservation is an allowed use and agriculture is a conditional use.

Commissioner Strachan asked if the Land of Oz was a conservation activity. Mr. Deters stated that Land of Oz was part of the conservation agreement as a recreational use. Mr. Deters explained that when they determined the allowed uses on that parcel recreation was called out. However, in looking at the values of the easement it was agricultural. He stated that part of the agreement with the Osguthorpe's was to make sure significant public benefit was associated with the open space purchase.

Assistant City Attorney McLean believed the distinction is that it is a conditional use under the zone. Agriculture is allowed under the conservation easement that was bought for it, but under the ROS zone, agriculture requires a CUP. The use can continue as an existing non-conforming use.

Commissioner Strachan asked if the Planning Commission was being asked to grandfather the use. Mr. Deters answered yes. Ms. McLean felt it was likely that the applicant would come in after the fact for a CUP in order to make it conforming. Commissioner Strachan asked if Osguthorpe or the City would be the applicant. He was told that it would be Osguthorpe since he is the landowner.

Mr. Deters asked if it would be over-stepping to address the issue in the annexation agreement. Assistant City Attorney replied that it could not be included in the annexation agreement.

Commissioner Strachan was concerned that Osguthorpe could apply for a different kind of CUP. Mr. Deters stated that the easement governs the use of the property. Therefore, the easement strips the development right from the property. Commissioner Strachan did not believe there was any advantage for Osguthorpe to go through the CUP process and pay the fees if he could continue the use as existing non-conforming.

Assistant City Attorney clarified that she misunderstood and thought they were talking about it was the City-owned parcel and not the one owned by Osguthorpe. She agreed that Osguthorpe would probably not apply for a CUP if he owns the land.

Commissioner Stuard understood that all the concerns expressed regarding the space for adequate public facilities had been targeted on the south parcel. He could not understand why they would not zone the north parcel POS rather than ROS. Mr. Deters noted that currently the only City parcel zoned POS was next to the NAC. He stated that most of the open space parcels within the City boundaries are zoned ROS. ROS is consistent with the recreation and open space bond that was used to purchase the land. It is also consistent with all the conservation easements as recreational uses. Mr. Deters believed ROS zoning best fits the spirits of the parcels at the moment.

Commissioner Stuard clarified that he was most concerned with some of the conditional uses of the ROS zone for the north parcel, specifically a golf course. Assistant City Attorney McLean pointed out that under the Code, if an applicant or a petitioner from the annexation asks for either ROS or POS, the LMC 15-8-3(E) states that a request for ROS is not subject to Planning Commission review. Under the Code, the Planning Commission does not have the ability to change a request from ROS.

Planner Whetstone asked if Mr. Deters knew the conservation easements well enough to say whether a golf course would be allowed on the north parcel. Mr. Deters stated that passive recreation is the terminology in most of the conservation easements. Even the deed restrictions on the parcels call out specifically certain recreation that is passive, as opposed to uses such as amusement parks, etc. He was unsure whether the language specifically calls out a golf course, but he thought it did. Mr. Deters stated that the existing encumbrances of the property remove those possibilities.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Stuard stated that the golf course on the north parcel was his primary concern and he was prepared to move forward.

Commissioner Phillips stated that he was still undecided and needed to be swayed on the Gordo parcel. He was uncomfortable limiting the possibilities for the City with ROS zoning, but he was also uncomfortable with LI zoning in the event that the City may sell the property. It would be difficult to downsize the zoning if that occurred.

Director Eddington clarified that whether it was Light Industrial or Recreation Open Space, a municipal facility would still require a conditional use permit. He pointed out that ROS zoning would provide protection from private possibilities. Commissioner Phillips asked if the Recycling Center could be located there. Director Eddington answered yes, noting that a 501C3 is municipal facilities. Commissioner Phillips was satisfied with the explanation and felt more comfortable about making a decision.

Planner Whetstone noted that the LMC does not have a good definition for essential public municipal facilities services. Part of the future LMC updates would be to draft a clear definition. With the current wording, the Staff was comfortable that a Recycling Center in the ROS zone could be considered for a conditional use permit.

Commissioner Strachan had no concerns. He always believed that ROS was the proper zoning.

Commission Campbell understood that the applicant was requesting LI zoning for the Gordo parcels but the Staff was recommending ROS zoning. Mr. Deters clarified that the applicant agreed with the Planning Staff because ROS was the best way to approach the concerns of the Planning Commission. Mr. Deters believed the next step would be to work through the subdivision process for those small parcels. Commissioner Campbell favored the idea of the same zoning on all the parcels and he liked the idea of the City following the same rules as everyone else.

Commissioner Joyce was pleased that the zoning moved from LI to ROS and he was comfortable moving forward. Commissioner Joyce wanted to know who owns the RD property. Director Eddington stated that it was City-owned property. Commissioner Joyce asked why that property would not be zoned ROS in conjunction with the annexation parcels. Mr. Deters explained that the RD zoned parcels are referred to as the Bango-Whartley parcels. It was a deal from the 1990's and the property was annexed after the City purchased the property. It was originally an affordable housing project and he was unsure how the City got involved. However, the City purchased those parcels as well as the current site of the Water Treatment Plant. Mr. Deters stated that part of the purchase agreement included development parcels and park parcels. When the annexation went through the property was zone RD. He assumed that no one has ever looked at changing it.

Assistant City Attorney noted that the item this evening was the annexation and the associated zoning. She suggested that the Planning Commission could direct the Staff to look at the history of those parcels and provide a report regarding the zoning and how the property was acquired.

Commissioner Joyce understood that it was not part of this discussion. However, he keeps hearing about how the City needs the two Gordo parcels; but no one is paying attention to the property right next to it that is six times larger. He thought there appeared to be a disconnection. Commissioner Joyce was interested in hearing the background and having an answer. In his opinion it should be zoned ROS to be consistent with everything else they were doing in that area unless there was a compelling reason to leave it RD.

Assistant City Attorney McLean noted that the Annexation Agreement needed to be reviewed as part of their recommendation to the City Council this evening. Planner Whetstone stated that the City Council would take final action on the Annexation Agreement. The Staff had added additional language and the applicant had not had the opportunity to review it.

Mr. Deters clarified that he had just received the additional language before the meeting stated. He requested that the Planning Commission wait to take action until he could review the document with their attorney.

Planner Whetstone preferred that the Planning Commission take action this evening to avoid having it come back at another meeting.

Chair Worel asked if the Legal Department had reviewed the new language. Assistant City Attorney McLean explained that she had reviewed the language and believed it reflects the annexation being proposed. However, the applicant, represented by City Staff, needed to speak directly with their legal group. Ms. McLean clarified that she looks at it from a regulatory standpoint and the attorney representing the petitioner needs to review it from their standpoint. She suggested that Mr. Deters could review the document prior to the September 24th meeting and if he requested changes to the annexation agreement, it would be placed on the agenda for the September 24th meeting. If no there were changes the recommendation would go to the City Council.

Mr. Deter stated that as representative of the applicant, he was more comfortable with asking for a Continuance this evening to make sure everyone agreed with the additional language before the Planning Commission forwards a recommendation.

MOTION: Commissioner Strachan moved to CONTINUE the Round Valley Park City Annexation and Zoning Map amendment to September 24, 2014. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Park City Planning Commission meeting adjourned at 8:20 p.m.

Approved by Planning Commission: _____

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
SEPTEMBER 24, 2014

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Melissa Band, Preston Campbell, Steve Joyce, John Phillips, Adam Strachan, Doug Thimm

EX OFFICIO:

Planning Director Thomas Eddington, Kirsten Whetstone, Polly Samuels McLean,
Assistant City Attorney

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REGULAR MEETING

ROLL CALL

Chair Worel called the meeting to order at 5:35 p.m. and noted that all Commissioners were present.

ADOPTION OF MINUTES

August 27, 2014

Commissioner Strachan referred to page 5, paragraphs 3 and 5, and noted that the "L" was missing from Chair Worel's name and it should be corrected.

MOTION: Commissioner Phillips moved to APPROVE the minutes of August 27, 2014 as corrected. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Eddington stated that the Planning Commission typically appoints a liaison to attend Board of Adjustment meetings. He noted that Commissioner Stuard had volunteered to be the liaison, but since he was no longer on the Planning Commission they needed to appoint another Commissioner. Commissioner Band volunteered to be the liaison.

Chair Worel commented on the change for how the Planning Commission is paid for their time on the Planning Commission. She understood that someone from the HR Department was going to provide an explanation this evening. Director Eddington was unaware that the Commissioners were expecting to hear from the HR Department; however, he explained that in order to comply with the State Accounting Rules, the Finance Department has required that the Commissioners be treated as City employees for financing purposes. They would be paid for the actual hours they spend on Planning Commission business. Director Eddington believed the pay would stay the same or could possibly be higher.

Commissioner Strachan noted that the Commissioners were given notice that they had to fill out a W-4 in the HR office. He believed they could ask specific questions at that time rather than have someone from the HR Department attend a meeting. There was some confusion as to whether the Commissioners would receive a 1099 or a W-2 at the end of the year. Director Eddington offered to have Brooke Moss or another representative from the HR Department attend the next meeting.

CONTINUATIONS (Public Hearing and Continue to date specified.)

1. 900 Round Valley – Park City Medical Center/IHC Master Planned Development
(Application PL-13-01932)

Chair Worel opened the public hearing. There were no comments. Chair Worel closed the public hearing.

MOTION: Commissioner Strachan moved to CONTINUE the public hearing on 900 Round Valley – Park City Medical Center/IHC MPD to October 8, 2014. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

2. 900 Round Valley drive – Park City Medical Center CUP for Phase II
(Application PL-14-02427)

Chair Worel opened the public hearing. There were no comments. Chair Worel closed the public hearing.

MOTION: Commissioner Strachan moved to CONTINUE the public hearing on 900 Round Valley Drive – Park City Medical Center/IHC CUP for Phase 2 to October 8th, 2014. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

3. 1825 Three Kings Drive – Conditional Use Permit for Office Building
(Application PL-14-02329)

Chair Worel opened the public hearing. There were no comments. Chair Worel closed the public hearing.

VOTE: Commissioner Strachan moved to CONTINUE the public hearing for 1825 Three Kings Drive CUP to October 8th, 2014. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 1103 and 1105 Lowell Avenue – An ordinance considering Barbara's Subdivision Plat Amendment. (Application PL-14-02448)

Planner Francisco Astorga was the project planner. Planner Astorga was unable to attend the meeting this evening and Director Eddington reviewed the application in his absence.

Director Eddington reported that the applicant was proposing to replat six partial lots into two lots. An existing structure on the property would be demolished as part of the recordation of the plat. The plat would propose Lot 1 at 1118 square feet. Lot two, which is a flag lot, would be 2163 square feet. Director Eddington noted that the flag pole section of the lot is a typical Old Town lot width of 25' wide. It would move to the back and widen to approximately 62 feet in the rear.

The applicant was proposing to demolish the structure on the front lot and propose a new development for that site. A new house would be built on the back portion of the proposed flag pole lot, Lot 2.

Craig Elliott, representing the applicant, requested a two year approval process because of the existing building structure and the amount of time required for approval of the design process. With the building season ending, he thought it made logical sense to have more than a year. Assistant City Attorney McLean was unclear as to why Mr. Elliott was requesting longer than a year because a building permit does not need to be pulled within year on a plat amendment. Mr. Elliott explained that there is an existing structure where the property line goes through and it needs to be moved forward with the plat amendment. He was requesting that they extend the time frame for demolishing the structure to two

3. **Round Valley Park City Annexation and Zoning Map Amendment – Annexation of 1,368 acres located in Sections 28, 33, 34 and 35 T1SR4E and Sections 2 and 3. T2SR4E East of US 40 and North of SR248. Park City Municipal is the applicant. The proposed zoning is Recreation Open Space. The property is primarily City-owned open space encumbered with conservation easements with the exception of two 1 acre City-owned, non-encumbered parcels, and includes the 120 acres Osguthorpe conservation easement area.**
(Application PL-13-01857)

Heinrich Deters thanked the Planning Commission and the Planning Staff for agreeing to continue this item at the last meeting. The delay in forwarding a recommendation allowed him and other parties the opportunity to review the annexation agreement. Mr. Deters stated that during the delay he was also able to reach out to UDOT, one of the sponsors, and he had met with Steve Osguthorpe as well. Mr. Osguthorpe and UDOT were very supportive of the Planning Commission's recommendations. He had wanted to make sure there was clarity from a legal standpoint and from the sponsors.

Planner Whetstone noted that on August 27th the Planning Commission discussed the Round Valley Annexation, which is approximately 1300 acres of primarily City owned property. UDOT owns a small portion and the Osguthorpe owned property has a conservation easement on it. The Planning Commission had visited the site and held work sessions. At the August 27th meeting the applicant agreed that Recreation Open Space zoning was appropriate for the entire annexation property, including the parcels known as the Gordo Parcels. The Planning Commission had closed the public hearing and was prepared to forward a recommendation to the City Council. However, the applicant requested a continuation to review the annexation agreement and the Planning Commission continued the item.

Planner Whetstone explained that the proposed annexation would bring City-owned property into the City limits.

Commissioner Thimm referred to page 159 of the Staff report which stated that the City was requesting additional language through the annexation agreement provided by Staff. Mr. Deters had asked the Planning Commission to allow time for the Legal Department to review the language before it was adopted. Commissioner Thimm asked if that legal review had taken place.

Mr. Deters answered yes. He explained that as the applicant's representative he had just seen the new language prior to the start of the August 27th meeting, and wanted to make sure that the Legal Department and the City Manager had the opportunity to review the

language before it was forwarded to the City Council. The review had taken place and he appreciated the additional time.

Commissioner Thimm noted that page 159 of the Staff report also talks about the Gordo parcel. He asked if the relocation of the Recycling Center was still under discussion. Mr. Deters stated that he was not prepared to answer the question because he was not part of that discussion. His understanding was that the discussions were ongoing. Mr. Deters remarked that when the City initially purchased the Gordo parcels there was a possibility that the Recycle Center could be relocated in that location, which is why it was mentioned in the Staff report.

Director Eddington clarified that there have been discussions in the past relative to whether or not the Gordo parcels would be a good location. At this point, it was still in the early phases and nothing has been finalized. Assistant City Attorney remarked that any programming for that location would go through some type of public process. She understood that the City, as the applicant, has tried to be very clear that there are ideas of using it for Municipal function type uses. To her knowledge nothing definitive has been discussed or applied for.

Commissioner Thimm asked if the public process would be to come before the Planning Commission. Assistant City Attorney McLean replied that it would be to the City Council as the owner. Director Eddington pointed out that if the use involved a CUP, it would come to the Planning Commission.

Commissioner Joyce stated that one of the benefits of zoning the property ROS is that many uses that would be allowed under the LI zone are conditional uses in the ROS zone and would require Planning Commission review and approval.

Commissioner Band stated that she was in the audience during the August 27th meeting, and she recalled that Commissioner Joyce had raised a question about the adjacent property and why it was zoned RD. The Staff had offered to come back with an update and she asked if they had that information. Planner Whetstone replied that the Staff report included language from a letter written by Former City Manager, Tom Bakaly, indicating that the property had been subdivided into lots. However, when she researched the parcels with the County, there was not a subdivision plat. Planner Whetstone believed the property may have been zoned RD with the idea of a residential use.

Mr. Deters stated that the adjacent property in question was part of the Bango-Wardley annexation, and a housing development was actually proposed. One parcel was an open space purchase for a park that was annexed by the City and brought in. The other property was purchased to be developed with the thought that it may be an appropriate

location for affordable housing. Since then the property has sat vacant and nothing has been done. Director Eddington believed Mr. Deters was correct in his explanation of the background. There were plans and ideas for the property that never came to fruition.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation for the Round Valley Park City annexation zoning to the City Council in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval in the attached ordinance. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Round Valley Park City Annexation and Zoning

1. The annexation petition is a request to annex approximately 1,368 acres into the Park City municipal boundary and to amend the official zoning map to include the property in the Recreation Open Space (ROS) zoning district.
2. The Round Valley Park City annexation area is currently located in unincorporated Summit County.
3. The non-deed restricted “Gordo” parcels, both UDOT and City owned, are within the Quinn’s Junction neighborhood and along the main 248 entry corridor to Park City.
4. The proposed land uses are consistent with the purpose statements of the ROS zoning district and the Planning Staff recommends that the entire annexation area be zoned ROS.
5. The proposed annexation meets the purposes stated in the Annexation Policy Plan, in that this annexation contributes to the achievement of the goals and policies of the Park City General Plan and further protects the general interests and character of Park City.
6. The annexation will bring City owned open space land into the Park City

Municipal boundary and enable services to be provided to the Property, such as police and community development services, which are more easily accessible from the City than the County.

7. The annexation does not change or remove any existing deed restrictions or conservation easements from the Property and only the four lower “Gordo” parcels are not restricted from development due to deed restrictions and conservation easements.

8. Annexation of this parcel will not create an island, peninsula, or irregular city boundary. The annexation is a logical extension of the City Boundary.

9. This property is located within the Park City Annexation Expansion Area, adopted by the City Council in 2003.

10. Provision of municipal services, such as police, water, and community development, for this property is more efficiently provided by Park City than by Summit County, in particular for non-deed restricted “Gordo” parcels.

11. The annexation petition has been reviewed pursuant to Utah Code Annotated (UCA) Sections 10-2-401, 402, and 403. The annexation petition requirements set forth in these sections of the UCA have been met; including issues of 1) contiguity and municipal annexation expansion area, 2) boundaries drawn along existing local districts, special districts and other taxing entities, and 3) for the content of the petition.

12. The proposed annexation is consistent with the purpose statements of the Annexation Policy Plan and will protect the general interests and character of the community, assure orderly growth and development of the Park City community in terms of utilities and public services; will preserve open space and ensure environmental quality, will protect a prominent entry corridor, view sheds, and environmentally Sensitive Lands; enhance pedestrian connectivity, create buffer areas; and protect the general public health, safety, and welfare.

13. The City Staff and Review Team have reviewed the proposed annexation against the general requirements established for annexation to Park City as presented in LMC Section 15-8-2 and as further

described in the Analysis section of the August 27, 2014 Planning Commission Staff Report.

14. No development or subdivision of the land is proposed at this time.

Conclusions of Law - Round Valley Park City Annexation and Zoning

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

Conditions of Approval - Round Valley Park City Annexation and Zoning

1. The Official Zoning Map shall be amended to include the Round Valley Park City Annexation parcels with the Recreation Open Space (ROS) Zone with the Frontage Protection Zone for properties having frontage on State Road 248.
2. The annexation agreement shall be fully executed and recorded with the Annexation Plat.
3. All current ROWs will remain under their respective jurisdiction.
4. **510 Payday Drive – Thayne’s Creek Ranch Estates Phase II Subdivision Plat (Application PL-14-02427)**

Planner Whetstone handed out copies of the revised plat and a revised ordinance amending the findings and conditions.

Planner Whetstone reviewed the subdivision plat application for three single family lots and a parcel for a recreation center in the Thaynes Creek area. The title of the plat is the Thayne’s Creek Ranch Estates Phase II. The Phase I plat was approved last year. Planner Whetstone noted that the Richards/PCMC Annexation annexed this area of County land that included the Park City open space along SR224, and 12 acres of property that was privately owned by the Frank Richards Trust. A preliminary plat included seven lots for single family development and an additional parcel for the riding arena.

City Council Staff Report



Subject: Special Events in Parking Garages
Author: Jason Glidden
Department: Sustainability
Date: October 30, 2014
Type of Item: Legislative

Sustainability

Summary Recommendations:

Staff recommends Council hold a Public hearing and consider amending the Municipal Code as proposed in the attached ordinance. The amendments will further regulate events and hospitality functions taking place within parking structures.

Topic: To amend the Municipal Code for Special Events being held in parking garages.

Background:

On September 18, 2014, Council provided direction to staff to draft proposed changes to the Municipal Code to add specific regulations to address events and hospitality functions taking place in parking structures. The code changes are to address:

- Building Code – meets the intent of the building code as determined by Chief Building Official
- Public Safety Issues – allows for proper egress in the event of an emergency and does not cause delays in emergency response times
- Zoning Requirements – restricts event permitting to Historic Recreation Commercial (HRC) District and Historic Commercial Business (HCB) District.
- Frequency – limits the number of permits that are available at one location during a calendar year.
- Enforcement – Identify how requirements will be enforced by City staff.

The remainder of this Background section is an excerpt from the September 18, 2014 report.

As the number, scale and complexity of events grows in Park City, event organizers continue to search for new venues to host events and supporting hospitality functions, especially during our largest Master Festival licensed events. Event organizers continue to exert more pressure and effort into converting parking structures into hospitality or event venues as an alternative to meet their needs. Currently, the Special Events Department permits one temporary hospitality use within a parking structure. This event has been approved the last five years.

In general, parking structures are typically approved through a Conditional Use or as part of a Master Planned Development process as a requirement to meet parking demand associated with the underlying "Use". This parking supply will account for both employee and customer parking generation.

Temporary hospitality uses within parking structures, traditionally approved through a Special Event Process, are not required to meet all Building codes or Planning Regulation as if the structure was a normal or permanent building or “Use” and generally have some flexibility and in some cases are held to a lower building and fire code standards because they are regulated as temporary uses.

Any Special Event approval must include Findings of Fact that demonstrate that the impacts created by the event can be properly mitigated. This would include parking, noise, and traffic impacts, including a mitigation plan for the displaced parking. Most importantly, affirmative Findings must be made that adequate Health, Safety and Welfare can be maintained. For example, findings would need to be made that permitting a large private hospitality suite in a parking garage, incremental to our existing liquor licensed businesses, does not compromise our ability to ensure public safety from a Police or Fire standpoint.

The current practice of applying the Special Event process to regulate these conversions is a policy rooted in both: 1) The City's posture to facilitate and enable a business friendly environment; and likely more so 2) Our desire to keep undesirable commercial activity out of our residential neighborhoods and keep it in the downtown corridor. There is no doubt that these large hospitality offerings during our largest events provide a draw and an amenity and, in many ways, offer a relief valve for the masses of guests that seek private hospitality with alcohol later into the night than the State Code allows (1:00 am) for regularly licensed facilities open to the public.

Due to safety concerns raised by Police and Building related to uses the garages as assembly spaces and the increased pressure to convert additional parking garages into private hospitality suites, staff requests preliminary discussion and direction from City Council. Staff has significant concerns regarding these types of conversions exacerbating existing parking and circulation problems. More significantly, concerns have been raised over health, safety, and welfare issues associated with allowing a hospitality or Assembly Use inside a structure that was designed and permitted to park cars.

Firm recommendations from Police, Fire, and Building Departments are that the City should not permit these events unless these structures meet all current state and local codes for Assembly Uses, which would be significantly more complex for the mechanical, plumbing and electrical infrastructure. This would include addressing mixed uses in a structure (separating cars and people), air quality systems, and adequate egress options. Staff will return to Council with a report that outlines these concerns with more detailed technical analysis from a Building and Fire Code and input from Public Safety.

Analysis:

Proposed Code Amendments:

Staff has drafted changes to the Park City Municipal Code under Title 4 – Licensing (Exhibit A). The proposed changes address the issues and concerns voiced by City Council at the September 18, 2014 meeting and include:

Location

Limit the location to the Historic Recreation Commercial (HRC) District and Historic Commercial Business (HCB) District zones. This is consistent with efforts in the past to limit or focus commercial activity to commercially zoned

locations and out of residential neighborhoods. We estimate that there are about 10 parking garages on Main Street that could be eligible for conversion, but many of them would have a very difficult time mitigating for the parking supply that they would take away;

Duration of Event:

No event within a parking structure shall occur for longer than 10 consecutive days. Staff finds that events lasting longer than 10 days are no longer in nature “temporary” and should be held to the licensing requirements of permanent businesses;

Frequency:

Limit the number of allowed conversions of any one parking garage to two times per calendar year, per location. Events within parking structures act as a “release valve” during larger events. Staff finds this may only be needed during a limited number of events throughout the year;

Additional Requirements:

To meet public health and safety requirement at such venues, staff finds that the following additions are required to host a special event within a parking structure:

- A mechanical engineer provide design plans that meet the required ventilation standards as per the International Mechanical Code section 403.3.1.1 for both occupancies. This plan must be approved by the Chief Building Official.
- Plumbing systems and fixtures provided must be approved by the Chief Building Official and must meet the intent of the plumbing fixture requirements of IBC Chapter 29. This plan must be approved by the Chief Building Official.
- All plans must be approved by the Deputy Fire Marshal and shall demonstrate compliance with the International Fire Codes. The separation of people and cars is all included in the Fire Code, and will be different at each location. Any higher electrical requirements would have to be approved by Chief Building Official.

Enforcement Plan:

Over the past two years, the City has worked to increase Code Enforcement efforts during large Master Festival Licenses. Building Department staff is responsible for the enforcement of unauthorized activities, including events within parking garages. As a general standard, staff attempts to educate the public vs. take enforcement action for code violations. This includes a progression from verbal warnings to written warnings to citations or other enforcement action. However, when circumstances in parking garages occur, which present a significant life safety concern, staff is dedicated to respond with the appropriate enhanced enforcement action. Enforcement action will be in accordance with the Park City Municipal Code (PCMC) and may include administrative code enforcement citations (PCMC 11-19) criminal charges (PCMC 4-8-12 and 11-19).

Stakeholder Meetings:

Staff has met with representatives from various City departments along with local stakeholders to ensure that the proposed changes to code are written to accomplish the stated goals and do not have unanticipated negative effects to the general public or business community. The HPCA is supportive of the proposed Code changes, as is the owner of the parking garage where the only permitted conversion has occurred. The Sundance Institute continues to be supportive of efforts to ensure public safety and manage parking, access and circulation impacts.

Alternatives:

A. Approve:

The recommended action would enact the changes to the City's Municipal Code as shown in the attached documents. This is staff's recommendation.

B. Deny:

Council could deny the request to move forward with the amendments to Municipal Code.

C. Modify:

Council could direct Staff to modify or add amendments to the current ordinance.

D. Continue the Item:

Council could ask for this ordinance change to be continued for further discussion. Council should provide additional policy clarity and describe what additional information the Council would like to move forward. This is not recommended, due to the time sensitive nature of this information.

E. Do Nothing:

Council could do nothing on this request. Staff does not recommend this alternative.

Significant Impacts:

+ Unique and diverse businesses + Balance between tourism and local quality of life + Varied and extensive event offerings ~ Internationally recognized & respected brand	~ Reduced municipal, business and community carbon footprints	+ Shared use of Main Street by locals and visitors + Vibrant arts and culture offerings ~ Primarily locally owned businesses	+ Fiscally and legally sound + Engaged and informed citizenry + Streamlined and flexible operating processes + Ease of access to desired information for citizens and visitors
Very Positive	Neutral	Positive	Very Positive
			

Department Review:

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

Recommendation:

Staff recommends Council hold a Public hearing and consider amending the Municipal Code as proposed in the attached ordinance. The amendments will further regulate events and hospitality functions taking place within parking structures.

Exhibits

Exhibit A – Ordinance

Exhibit B – [Minutes from September 18, 2014 City Council Meeting](#)

Ordinance No. 14-XX

**AN ORDINANCE AMENDING TITLE 4, CHAPTER 8 OF
THE MUNICIPAL CODE OF PARK CITY, UTAH TO INCLUDE
EVENTS IN PARKING STRUCTURES**

WHEREAS, the number of special events within the city limits of Park City continue to grow; and

WHEREAS, event organizers continue to search for new venues to host events and supporting hospitality functions; and

WHEREAS, Park City Municipal Corporation desires to facilitate and enable a business friendly environment while keeping undesirable commercial activity out of our residential neighborhoods and keep it in the downtown corridor; and

WHEREAS, Park City Municipal Corporation wants to ensure public health, safety, and welfare;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF PARK CITY, UTAH THAT:

Section I. Amendment. Title 4 Licensing Code of the Municipal Code of Park City is hereby amended to include Section 4-8-8.5, as follows:

4- 8- 8.5. EVENTS IN PARKING STRUCTURES.

Applications for Master Festivals and Special Events taking place within a parking structure shall be reviewed for compliance with all Municipal codes relating to Master Festivals along with the standards provided below.

- (1) Location – Events or hospitality functions taking place within a parking structure shall only take place in Historic Recreation Commercial (HRC) District and Historic Commercial Business (HCB) District zones.
- (2) Duration – Licensed events or hospitality events taking place within a parking structure may not exceed 10 calendar days in duration.
- (3) Frequency - Individual parking structures will be eligible to be converted into an event or hospitality use no more than two times during one calendar year.
- (4) Application Requirements - In addition to the special event application requirements, applicants wishing to utilize a parking structure for a temporary assembly use as part of a special event or hospitality function must also provide the following:
 - a. An original set of design plans stamped by a Utah licensed mechanical engineer that meet the intent of required ventilation standards as per the International Mechanical Code section 403.3.1.1 for both occupancies. This plan must be approved by the Building Official.
 - b. Design plans that demonstrate a plumbing systems and fixtures provided within the event space that meet the intent of the plumbing fixture requirements of IBC Chapter 29. This plan must be approved by the Building Official.
 - c. All plans must be approved by the Deputy Fire Marshal and shall demonstrate compliance with the International Fire Code.

Section II. Effective Date. This ordinance shall become effective upon publication.

PASSED AND ADOPTED BY THE Park CITY COUNCIL this ____ day of _____, 2014.

PARK CITY MUNICIPAL CORPORATION

Mayor Jack Thomas

Attest:

Marci Heil, City Recorder

Approved as to form:

Mark Harrington, City Attorney

City Council Staff Report



Subject: Park Silly Sunday Market
Author: Tommy Youngblood
Department: Sustainability
Date: October 30, 2014
Type of Item: Review of Park Silly Sunday Market parameters for renewal of City Services Agreement for the 2015 season.

Summary Recommendations:

Affirm Staff findings that the Park Silly Sunday Market is operating consistent with their City Services Agreement and has satisfactorily completed the 'Measures of Success' for the 2014 contracted year and qualifies for the automatic renewal of the Services Agreement for the 2015.

Background:

On December 13, 2012 Park City Municipal Corporation and Park Silly Sunday Market (PSSM) entered into a 3 year Services Agreement.

As part of the approved Agreement, PSSM must satisfactorily complete the 'Measures of Success' (chart below) yearly to qualify for the automatic renewal for the 2015 and 2016 Markets Season:

Below are the relevant items from the contract concerning this matter:

B. TERM AND LEASE OF USE AREAS DURING USE PERIODS.

- 2. Term.** PSSM hereby agrees to hold the 2014, 2015 & 2016 Market in Park City. Accordingly this Agreement shall be effective from January 30, 2014 through December 1, 2016, subject to annual renewals below.
- 2.1 Conditions for automatic yearly renewal:** At the end of each Market year, the Agreement shall be reviewed by Park City for compliance with the 'Measures for Success' as defined in **Exhibit B**. Park City must find that PSSM has satisfactorily completed the 'Measures of Success' for the previous contracted year to qualify for the automatic renewal for the 2015 and 2016 Markets. The City may provide PSSM with written notice of its intent not to renew by November 15 of the year (11/15/14 and 11/15/15) prior to the applicable Market date.
- 2.5 Additional Conditions of Approval**
 - 14.** PSSM shall return to Council no later than November 15, of each contracted year to conduct a review of the "Measures of Success" as defined in **Exhibit B** of the Market.

Analysis:

Park Silly Sunday Market – End of 2014 Season Review Measures of Success		Legend S – Succeeding in meeting Contracted I – In progress / Meeting Requirements N – Not meeting Contracted Requirements
Vendor Mix		
A. Importers (allowed per week maximum) i. 2014 – 10	Notes: Requirements were met	S
B. Jewelers (allowed per week maximum) i. 2014 – 15	Notes: Requirements were met	S
C. On-site Food Vendors & Snack food Vendors (per week maximum) i. 2014 – 14	Notes: Requirements were met	S
D. PSSM will include a HPCA representative in the jurying of jewelry vendors	Notes: Requirements were met	S
E. PSSM will coordinate three (3) market walk through with the HPCA and PCMC to identify possible conflicts and/or issues with vendor mix.	Notes: Requirements were met	S
F. PSSM will provide to the City a list of vendor classification definitions along with preference criteria for vendor mix.	Notes: Requirements were met	S
Parking / Traffic / Pedestrian Management		
A. Create event parking plan i. Identify vendor vehicle ii. Identify public parking locations both in Old Town/Main Street along with alternative parking areas. iii. Identify locations where parking will be removed to provide space for event and mitigate impacts of event iv. Setup program to encourage parking of vendors in approved vendor locations	Notes: PSSM worked with Staff & private parking garages to park vendors in appropriate areas. A resident parking area was established along the west side of Park Ave. from 9 th to 14 th Street. A parking survey is being conducted targeting Park Ave residents. Their input will be used to design the plan for 2015.	S
B. Work with Special Events and Transit to get out alternate transportation messaging out with: i. Co- messaging with PC Transit Dept. ii. PSSM will create and implement different methods of informing the public (PSA's, print ads) iii. Create and implement a program encouraging non-motorized forms of transportation to the market.	Notes: Requirements were met; PSSMs print, online and radio advertising includes directions for participants to take alternate transportation to the event. Including City transit, bikes or walking to attend. This messaging will be reviewed and implemented for 2015	S
C. Submit sign Plan to Staff at the time of Supplemental Plan containing the following: i. Locations ii. Size & Type iii. Message iv. Placement and removal times	Notes: Requirements were met	S
D. Work with City to Create a pedestrian management plan that addresses the crossings of Heber/Main and Swede Alley	Notes: Requirements were met – Intersection was manageable and required no additional resources.	S
Market Set-Up and Inspections		
a. Weekly notification to staff of footprint or operational changes	Notes: Requirements were met	S
b. Location of interior sponsor signs	Notes: Requirements were met	S

<u>Street Cleaning and Trash Removal</u>		
a. Pre-Meet with City's Street Department to create a street cleaning and trash removal plan	Notes: Requirements were met	S
b. Meet with Street Department two (2) additional times throughout summer to address any issues with plan.	Notes: Requirements were met: Park City Parks Crew and PSSM reworked when and how the city receptacles were being used and replacement with the PSSM recycle set up. The street has been maintained clean post market. There have been no negative reports from the Parks Crew.	S
<u>Coordination with PCMC and HPCA</u>		
a. PSSM will schedule monthly 'Working Group' meetings from June through October	Notes: Requirements were met	S
b. PSSM will schedule three (3) market walkthroughs with the "Working Group" within the season.	Notes: Requirements were met	S
c. PSSM will schedule a weekly market walk through with City representatives	Notes: Requirements were met	S
d. PSSM will supply the City Representatives with weekly report containing the following i. Estimated attendance ii. Zero Waste statistics iii. Breakdown of number of vendors and types	Notes: Requirements were met	S
<u>Marketing and PR</u>		
a. Main Street logo on all advertisements & promotions	Notes: Requirements were met	S
b. Engage in co-promotions with Chamber, HPCA, Park City Restaurant association	Notes: Requirements were met	S
c. Media – The HPCA logo and sponsorship credits will be provided in all media placement that the PSSM currently employs, including but not limited to: I. Print ads II. Ads, links or info listings on Utah tourism, business and special internet websites; III. Periodic television coverage; IV. Radio spots and promotions; V. Website spots, summer guides, fairs, non-profit organization calendar listings; VI. Email blasts; and VII. Social media, ' if applicable"	Notes: Requirements were met	S
<u>Other Items:</u>		
Attendance must average 7,500 visitors to the market per season. This number shall be established and verified annually by Staff and PSSM	Notes: Average attendance per week : 11,500	S
Quantify Marketing & PR Value – of at least \$150,000	Notes: Estimated value as determined by Staff is in excess of \$150,000.	S
PSSM shall present an annual report to the city in February of the preceding market season. This report will contain the following: i. Estimated attendance ii. Zero Waste statistics iii. Breakdown of number of vendors and types iv. List of non-profit groups attending the market v. Advertising information etc.	Notes: To be Submitted in February 2015, Report from 2013 was received in February of 2014.	S

Attendance:

Estimated by Park City Municipal Staff & PSSM Staff:

- 2014 PSSM Season – **165,000**
- 2013 PSSM Season – 155,000
- 2012 PSSM Season – 140,000
- 2011 PSSM Season – 121,272

- Average weekly attendance (estimates)
 - 2014 – **11,500**
 - 2013 – 10,500
 - 2012 – 9,200
 - 2011 - 8,085

Number of Bikes Valeted in 2014 – 1,995

Number of 30 gallon bags in 2014:

- To Landfill - **40 bags**
- Composted - **35 bags**
- Comingled Recycling - **125 bags**

Below are three items that have occurred that staff would like to inform Council on outside of the measures as written:

1. Park Ave. residents reported to staff that the band on the first week went over the event stop time by 15 minutes. Staff reported this to the PSSM staff and their sound personnel to rectify. Unfortunately this amplified music went over again for the following two weeks, although for a lesser amount of time. However, for last five weeks of the event, all amplified music and announcements have halted prior to 5pm, in accordance with the contract.

Staff found that the issue was proper monitoring of the sound board and band. Staff finds that this situation has been rectified but will continue to monitor. No further noise complaints were received concerning the music for the remainder of the season.

2. Park Ave Residents reported that the climbing wall erected on 9th street had an air horn attached to the top that people would activate when they reached the top, and asked that this horn be disconnected. PSSM muffled the horn. One further report was received in Week 13 that the horn had been reconnected. The horn was immediately muffled and no further complaints were received.
3. The Park City Police reported that the vendor load-in and load-out on Park Ave were causing traffic congestions at those times. Beginning in week two PSSM, Park City Police Department, and the Special Events Department monitored the situation and added additional officers to evaluate. After five weeks PCPD reported that the load-in congestion occurs for very short but specific times and could be easily managed with signs and notification to vendors. They reported that the load-out congestion occurs similarly but would aid with the help additional officers. The market patrol officer times have been shifted to assist with the load-out of vendors. No further issues were reported for the remainder of the season.

Financial Consideration for 2015

Below is the financial impact of the Services Agreement on the 2015 budget. All of Park City's obligations and contributions shall be included in the City Manager's Recommended Budget delivered to the Park City Council on the first scheduled meeting in May.

Excerpt from Services Agreement

Contracted Year 2015

- (a) Cash payment for the contracted period December 2, 2014 through December 1, 2015 will be as follows:
 - (i.) \$45,000 will be for Operations, Expanded Activities, Marketing, Media, Cross Promotions and Public Relations as defined in Section D.9.4
- (b) Annual fee waivers, based on a combination of the following:
 - (i.) Fee waivers – 2015 fees estimated at \$42,000, (not including waiver of parking use fees)

Alternatives:

A. Approve the Request:

Affirm findings that the Park Silly Sunday Market is operating consistent with their City Services Agreement and has satisfactorily completed the 'Measures of Success' for the 2014 contracted year and qualifies for the automatic renewal of the Services Agreement for the 2015.

This is staff's recommendation

B. Deny the Request:

Deny findings preventing the Park Silly Sunday Market from operating in the 2015 season

C. Modify:

The City Council may modify the approval of this application.

D. Continue the Item:

The City Council may continue the discussion in order to receive additional information.

E. Do Nothing:

The City Services Agreement would not be approved, preventing operation of the Park Silly Sunday Market for the 2015 season.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Balance between tourism and local quality of life + Varied and extensive event offerings + Multi-seasonal destination for recreational opportunities + Varied and extensive event offerings		+ Residents live and work locally + Shared use of Main Street by locals and visitors	+ Engaged and informed citizenry
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Very Positive 	Neutral 	Positive 	Neutral 
Comments:				

Consequences of not taking the recommended action:

The City Services Agreement extension would not be approved, preventing operation for the 2015 season.

RECOMMENDATION:

Affirm Staff findings that the Park Silly Sunday Market is operating consistent with their City Services Agreement and has satisfactorily completed the 'Measures of Success' for the 2014 contracted year and qualifies for the automatic renewal of the Services Agreement for 2015.

City Council Staff Report



PLANNING DEPARTMENT

Subject: Ontario Mine Bench Subdivision
Author: Kirsten A Whetstone, MS, AICP
Date: October 30, 2014
Type of Item: Extension of Subdivision Approval
Project Numbers: PL-10-01070, PL-13-02013, and PL-14-02456

Summary Recommendations

Staff recommends that the City Council conduct a public hearing and consider approving a request for a second one year extension for the Ontario Mine Bench Subdivision approval, based on the findings of fact, conclusions of law and conditions of approval as found in the attached ordinance.

Description

Applicant: United Park City Mines on behalf of itself and the Jordanelle Special Services District (JSSD)
Location: 7700 Marsac Avenue
Zoning: Recreation Open Space (ROS)
Adjacent Land Uses: Open Space and Residential/Resort
Reason for Review: Extensions of subdivision plat approvals require review and final action by the City Council

Proposal

This is a request for a second one year extension of the August 9, 2012 approval of the Ontario Mine Bench Subdivision plat, to allow the applicant additional time to complete the conditions of approval that must be satisfied prior to recordation of the plat. If approved the extension would be granted to August 9, 2015. The request was submitted in writing to the Planning Department on August 8, 2014.

The plat subdivides an existing 30.56 acre parcel into two lots; Lot 1 is 2.01 acres, and Lot 2 which is the remaining portion of the property at 28.55 acres. Both new lots have existing structures and buildings which are associated with each of the two different property owners. The applicants are not proposing any new development on the properties at this time.

The subdivision application is proposed in order to officially establish the separate ownership of the two lots. Lot 1 encompasses an existing structure, a portion of which is owned and operated by the Jordanelle Special Services District (JSSD which is at the Number 3 shaft site of the Ontario Mine) and the other portion is owned by United Park City Mines. Lot 2 encompasses the balance of the Mine Bench property, owned by the United Park City Mines Company, and utilized for offices and equipment and salt storage.

There have been no changes of circumstance of either the property, the Land Management Code, or the zoning map, since the date of the original approval, that create the need to make further changes to the proposed plat.

City Staff from Planning, Water, Sustainability, Legal, Building, and Engineering have worked together to assist the Applicant in resolving the outstanding issues. There has been progress made on trail and trailhead construction, water impact fee assessment, tax assessment clarification, review of submitted building plans for separating the building into two separate units (involving the separation of utilities, access, and fire protection and creation of new private services that are located either in easements or are completely located within the individual units), and final redlining of the plat. There are still outstanding issues, including final resolution and payment of the water impact fees to reflect current uses, improvements (kiosks and parking) still needed for two trailheads (one trail and one trailhead are complete) consistent with the Flagstaff Master Trail Plan, and JSSD as a property owner needs additional time to go through its legal procedures before signing the plat. The applicant believed that they could not resolve these issues prior to the August 9, 2014 deadline and Staff encouraged the Applicant to apply for a second extension in order to complete the work and get the plats recorded.

Background

On June 24, 1999, the City 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, development approval process, as well as development conditions and amenities for each parcel. The Mine Bench property was included in the annexation, and was given the Zone Designation of Recreation Open Space (ROS).

The property has three permanent buildings and one temporary structure (yurt for salt storage) currently, houses two buildings that are used by United Park City Mines/Talisker, and the old Ontario Mine Building, which has an existing kitchen, recently used a bakery for the Talisker Resorts and restaurants. The bakery has not been in operation for over a year. Prior to these uses, the old mine building was used for the “Silver Mine Adventure Tour” that included a gift shop and a kitchen for preparation of food as well as an informal dining area associated with the now closed Mine Adventure.

In August of 2002, a portion of the Mine Bench property was conveyed to JSSD by deed. However a subdivision was not applied for. The proposed subdivision and concurrent condo-plat (a separate application) will memorialize the conveyance.

The original application for the proposed subdivision was received on September 27, 2010. Staff and the applicants had several conversations about application items that needed to be met before the plats could be brought to the Planning Commission and City Council. Staff also visited the site to better understand all of the issues related to the proposed subdivision and condo-plat. On March 13, 2012, the application only

lacked a copy of the Covenants, Conditions and Restrictions (CC&R's) to be complete. As a courtesy, Staff scheduled the public hearings on the applications pending receipt of the CC&Rs. In drafting the CC&R's the applicants ran into an issue that required they amend the drawings and the plat one additional time. On April 17, 2012 staff received a complete and updated application.

On June 13, 2012, the Planning Commission conducted a public hearing and forwarded a positive recommendation to City Council. On August 9, 2012, the City Council conducted a public hearing and approved the subdivision plat with conditions, as reflected in the attached Ordinance (Exhibit B).

On August 1, 2013, the applicant submitted a written request for an extension of the subdivision plat approval to allow additional time to address the conditions of approval required to be complied with prior to plat recordation, including resolution of the property tax assessment and water impact fees and completion of improvements as required consistent with the Flagstaff Master Trail Plan.

On October 17, 2013, City Council conducted a public hearing and voted to approve the extension request to August 9, 2014.

On August 8, 2014, the applicant submitted a written request for a second extension of the August 9, 2012 approval. The applicant indicated that they have accomplished most of the outstanding items but have run into delays in resolving issues with JSSD, the other property owner involved, and needed additional time to get required signatures from JSSD, as well as time to complete trailheads at Guardsman Pass and Daly Canyon and time to finalize the water impact fee issue with the Water Department.

Analysis

Planning Staff finds good cause to approve the subdivision application to subdivide the existing parcel into two separate lots of record. The ROS Zone does not establish a minimum lot size, and both proposed lots are more than adequately sized for the existing buildings and uses currently on the property. Proposed Lot 1, which is 2.01 acres, contains the existing Mine Bench building (Number Ontario 3 shaft site) currently used by JSSD (Main building and Hoist Building). The balance is a portion of the old Silver Mine Adventure Building. Lot 2, which is 28.55 acres, includes a maintenance building, office building, a salt storage yurt, and a parking lot. The remaining lands remain undeveloped. There are no immediate plans to develop them. A public trail was recently constructed from the parking area as a designated trail head to the main Deer Valley/Flagstaff trail system.

Both proposed lots have frontage onto Marsac Avenue, but share a common driveway to access each. The driveway is also the location of several existing utility and access easements. The ROS zone requires a 25 foot building setback from property lines. The plat is configured to meet this requirement.

Snyderville Basin Water Reclamation District (SBWRD) raised concern regarding the

proposal to create a lot completely surrounded by another lot because SBWRD usually does not allow for a private sewer line to extend over a lot line. However, a letter from Bryan Atwood, District Engineer for SBWRD (exhibit "D") states that this will not be an issue due to the fact that a private sewer line currently services all of the buildings on the property. SBWRD required the following conditional of approval:

"At the time Lot 2 is redeveloped or (a) new structure(s) are constructed on the lot a reconfiguration of the private sewer lateral, or an extension of the Public Wastewater System to allow any new structures to be connected separately and directly to the Public Wastewater System, shall be required."

A condominium plat is also proposed as a separate application (PL-10-01071). The applicants also request an extension to the condominium plat approval (see separate report). The purpose of the condo-plat is to memorialize JSSD's and United Park City Mines existing ownership of the land and improvements on proposed Lot 1 which includes the original Mine Bench building. This building is split by ownership and therefore a condominium plat is required to create two condominium units that can be owned separately.

The applicants are proposing to grant Park City Municipal Corporation a twenty-foot wide access easement atop of an existing Snyderville Basin Water Reclamation District access easement, for the purpose of gaining access to the Judge Tunnel water facility. The common driveway off of Marsac Avenue is currently used by the City to gain access to the water source that is inspected regularly. Although the City has access to the site from Daly Avenue, the current means of access to the Judge Tunnel water source from Marsac Avenue is the easiest and safest access. The easement is granted within the "Owners Dedication" language on the plat which reads:

"The owners also hereby grant to Park City Municipal Corporation ('Grantee') a non-exclusive, twenty-foot wide easement for Grantees own use and not as a public dedication, for the purpose of vehicular travel by the Grantee across the Surface of the Land (the 'City Easement'), said City easement being in the same location as that certain access easement granted by the Owner to the Snyderville Basin Water Reclamation District by easement instrument recorded on March 3, 2008, as entry number 839515, in the offices of the Summit County Recorder, Summit County Utah, as depicted on this plat and being over the existing roadway on the Land."

The property, which has frontage onto Marsac Avenue on two sides, has two access points. The first is the primary access for both proposed Lots 1 and 2, who currently share and will continue to share a common driveway, and the second access is for a separate parking lot. The existing driveway is the location of several easements, including a right-of-way easement for Mountain Fuel, Snyderville Basin Water Reclamation District, JSSD, and once the subdivision is recorded, Park City Municipal Corp for access to the Judge Tunnel water source.

ROS Zone

According to Section 15-2.7-1 of the LMC, the purpose of the Recreation and Open Space (ROS) District is to:

- (A) Establish and preserve districts for land uses requiring substantial Areas of open land covered with vegetation and substantially free from Structures, Streets and Parking Lots,
- (B) Permit recreational Uses and preserve recreational Open Space land,
- (C) Encourage parks, golf courses, trails and other Compatible public or private recreational Uses, and
- (D) Preserve and enhance environmentally sensitive lands, such as wetlands, Steep Slopes, ridge lines, meadows, stream corridors, and forests.
- (E) Encourage sustainability, conservation, and renewable energy.

The ROS Zone limits allowed uses to “Conservation Activity” and lists several Conditional Uses. Among the Conditional Uses listed are “Essential Municipal Public Utility Use, Facility, Service, and Structure, greater than 600 sq. ft. and “Resort Support Commercial” which is what a majority of the property is used for. The buildings used by JSSD are “Public Utility Uses” and the Talisker Bakery was considered “Resort Support.” The bakery, no longer in operation, was an existing Non Conforming use in operation since prior to annexation of the property in 1999.

The ROS Zone designation does not establish a minimum lot size or require that a Lot has frontage onto a public right-of-way, but does establish a setback requirement between property lines and buildings. The minimum setback between the property line and a building is twenty-five feet (25’). All existing buildings are currently setback 25’ away from property lines. The new proposed two-lot subdivision will not create nonconformity with respect to setbacks. The new lot line is approximately 60 feet to the nearest building.

Taxes

During the subdivision approval process the City became aware that the property was taxed as State assessed “mining claims.” As a Condition of Approval, Staff recommended the Applicant meet with the County Assessor to review the current use of the property in order to correctly assess property taxes. The applicant has met with the County Assessor and provided the current uses (see Exhibit F).

Water

The Water Department informed the Planning Department that the original water impact fees paid for by United Park City Mines may not have included commercial uses at the 7700 Marsac Avenue location. As a Condition of Approval, Staff recommended the applicant, prior to the recording of the plat, resolve this issue with the Water and

Building Departments and reconcile any errors in the impact fee assessment for the Mine Bench properties. If payment of back fees is required, such must be paid prior to recordation of the plat. City Planning, Legal, Building, and Water Department Staff have been working to resolve this issue. Because the buildings were not constructed in Park City, the typical scenario for assessing water impact fees at the time of Building Permit issuance did not happen. In order to determine the correct fees the Water Department used actual usage figures and provided the applicant with a summary of the amount owed. In reviewing the usage figures the applicant discovered a massive water leak. The applicant and Water Department are continuing to resolve the amount owed.

Process

Approval of this extension application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. The extension provides an additional year for the applicant to record the subdivision plat at Summit County. Recordation shall occur prior to August 9, 2015 or the approval will expire, unless the applicant submits a written request for an additional extension.

Department Review

This project went through an interdepartmental review prior to approval. All of the issues raised by the Development Review Committee (DRC) have been addressed, and the original proposal was altered to reflect changes requested by the DRC. The Snyderville Basin Water Reclamation District (SBWRD) will require a reconfiguration of the private sewer lateral or an extension of the Public Wastewater system at the time of redevelopment of the site or a new structure on Lot 2. Any public trail will need to be indicated on the plat as a public access trail.

Notice

On October 16, 2014, the property was posted and notice was mailed to property owners within 300 feet in accordance with the requirements in the LMC. Legal notice was also published in the Park Record on October 15, 2014, in accordance with the requirements of the LMC.

Public Input

No public input was received at the time of writing this report. Public input may be taken at the regularly scheduled Council meeting on October 30, 2014.

Alternatives

- The City Council may approve the request for an extension of approval for the Ontario Mine Bench Subdivision as conditioned or amended; or
- The City Council may deny the request for an extension of approval and direct staff to make findings for this decision; or
- The City Council may continue discussion on the extension of approval Ontario Mine Bench Subdivision to a date certain and request additional information.
- There is not a no action option with this type of item.

Significant Impacts

There are no significant fiscal or environmental impacts from this application which is an extension of approval of a subdivision plat creating two lots of record for existing buildings and uses. Potential environmental impacts will be mitigated by the fact that there is no new construction proposed on the property.

Consequences of not taking the Suggested Recommendation

The proposed subdivision plat would not be recorded and two lots of record for two individual property owners would not be created. The applicants would not be able to proceed with their proposed condominium plat, and thus the nonconformance of both parcels would continue until such time that a subdivision plat to resolve the issue is approved and recorded.

Recommendation

Staff recommends that the City Council hold a public hearing and consider approving a request for a second one year extension for the Ontario Mine Bench Subdivision approval, based on the findings of fact, conclusions of law and conditions of approval as found in the attached ordinance.

Exhibits

Ordinance

Exhibit A- Proposed Plat

Exhibit B- Written request for extension

Exhibit C- Minutes from Council approval of first extension

Exhibit D- August 9, 2012 approved Ordinance

Exhibit E- October 17, 2013 approved Ordinance

Exhibit F- email regarding tax issue

Ordinance No. 14-

**AN ORDINANCE APPROVING A SECOND EXTENSION OF THE AUGUST 9, 2012
APPROVAL OF THE ONTARIO MINE BENCH SUBDIVISION LOCATED AT 7700
MARSAC AVENUE, PARK CITY, UTAH.**

WHEREAS, the owners of property located at 7700 Marsac Avenue have petitioned the City Council for approval of an extension of the Ontario Mine Bench Subdivision approval; 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 June 13, 2012, to receive input on the proposed two-lot subdivision located at the aforementioned address; and,

WHEREAS, the Planning Commission, on the aforementioned date, forwarded a recommendation to the City Council and recommended that the City Council approve the same based on the Findings of Fact, Conclusions of Law and Conditions of Approval as stated herein; and,

WHEREAS; the City Council, held a public hearing on August 9, 2012; and approved the subdivision plat; and,

WHEREAS; the City Council, held a public hearing on October 17, 2013 and approved an extension of the subdivision approval to August 9, 2014; and

WHEREAS; the City Council held a public hearing on October 30, 2014 and approved a second extension of the subdivision plat approval to August 9, 2015; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the extension of the Ontario Mine Bench Subdivision plat approval to allow time to resolve issues of interest to the City that are also required to be complied with prior to plat recordation.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Ontario Mine Bench Subdivision plat (Exhibit A) extension is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 7700 Marsac Avenue within the Recreation Open Space (ROS) Zoning District.
2. The property was annexed into the City in 1999 under the June 24, 1999 Flagstaff Mountain area annexation, which was subject to 14 technical reports.
3. The applicants are proposing to create two new lots to memorialize a prior conveyance to the JSSD which previously split through the recording of a deed. The subdivision will allow the applicant to proceed with a condominium plat that will also memorialize the transfer/conveyance of property to the Jordanelle Special Services District.
4. The subdivision is necessary to correct the noncompliant issue with the previous deed.
5. The subdivision will split the existing 30.56 acre parcel into two-lots, Lot 1 being 2.01 acres, and Lot 2 being the balance of the property at 28.55 acres.
6. There are three (3) existing structures on the property including the original mine-shaft building (a portion of which is now the Jordanelle Special Services District Hoist and Office Building), a maintenance building, storage, and additional offices. The JSSD portion of the hoist building will be located on Lot 1, the other buildings on Lot 2.
7. Both proposed lots have frontage onto Marsac Avenue, but share a common driveway to access each. Said driveway is also the location of several existing utility and access and access easements.
8. The proposed plat will grant a twenty-foot (20') wide access easement to Park City Municipal Corporation for the purpose of memorializing the access road used by the Water Department to gain access to our existing water source located on an adjacent parcel of property.
9. The property is not proposed for further development at this time. Any future development will be subject to the allowed or conditional uses listed in the ROS zone under Section 15-2.7 of the LMC in effect at the time of permit application.
10. The applicants are proposing a Condominium Plat to reflect the split of the ownership of the existing mine bench building, which is a separate application.
11. The proposed plat will not cause any nonconformity with respect to lot size or setbacks.
12. Current uses of the property are consistent with the allowed and conditional uses section of the ROS zone designation, and such uses were acknowledged during the original annexation of the property in 1999, with the exception of the kitchen/bakery that was determined by the Planning Director to be a legal non-conforming use as it is currently used for as a resort support function. The bakery has not been in operation for over a year.
13. There is good cause for approval of this subdivision plat in that the proposed Subdivision will meet the lot requirements as outlined in the ROS Zone designation, will properly memorialize a previous deed transfer through the subdivision process, will not cause nonconformity with respect to existing setbacks, and resolves issues of interest to the City.
14. The proposal does not result in new development and thus requires no removal of vegetation or grading of the site. There is no anticipated increased level of intensity

of uses on the site, and thus there is no additional mitigation measures necessary at this time. Any future development of the property will require proper planning applications, permits and compliance with the ROS Zone.

15. A public trail was constructed on the property from the parking lot trailhead to the main Deer Valley/Flagstaff trail system.
16. Water impact fees originally collected for the water line that services the property and the Mine Bench building need to be adjusted to reflect current uses within the Mine Bench Building and the general water usage of the property and other facilities owned by the applicant that are served by the same water line.
17. Property tax assessment for this property may be incorrect based on state assessment as mining claims, and not based on current use. This issue must be resolved prior to the recording of the plat.
18. The Ontario Mine Bench Subdivision plat was approved by the City Council on August 9, 2012 and given a one year time frame, until August 9, 2013, to record the plat at Summit County. A one year extension was granted by the City Council on October 17, 2013. This current extension would allow an additional year, until August 9, 2015, for the plat to be recorded at Summit County.
19. On August 8, 2014, the applicant submitted a written request for an extension to the approval to allow additional time to address the required conditions of approval that have to be completed prior to plat recordation, including completion of the trailhead improvements for Guardsman Pass and Daly Canyon and resolution and payment of water impact fees.
20. There have been no changes of circumstance of either the property, the Land Management Code, or the zoning map, since the date of approval, that create the need to make additional changes to the proposed plat prior to action on the extension request.
21. The Land Management Code allows for the City Council to approve extensions of plat approvals.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the subdivision plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the subdivision plat at the County by August 9, 2015. If recordation has not occurred by this time, the plat approval will be void, unless a

complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. A note shall be included on the plat that Modified 13-D sprinklers are required for any future renovation of the existing structures located on the property.
4. Satisfaction of the Snyderville Basin Reclamation District requirements will be required prior to the recordation of the plat. The Structures located on Lot 2 at the time of this plat recording are connected to a Common Private Lateral Wastewater Line that services both Lots 1 and 2.
5. A note shall be added to the plat stating that at the time Lot 2 is redeveloped or (a) new structure(s) are constructed on the lot a reconfiguration of the private sewer lateral or an extension of the Public Wastewater System to allow any new structures to be connected separately and directly to the Public Wastewater System shall be required.
6. Resolution of water impact fees to reflect current uses of the property and general water usage on the property may be required. The plat cannot be recorded unless all applicable impact fees imposed by the Building and Water Departments have been met.
7. Prior to the recording of the subdivision plat, the applicant shall resolve the property tax assessment issues related to the property and shall accurately reflect the current uses on the property.
8. The plat shall dedicate a twenty-foot (20') wide access easement to Park City Municipal Corporation as contained in the "Owners Dedication" language on the draft plats.
9. Improvements as required consistent with the Flagstaff Master Trail Plan shall be completed prior to plat recordation.

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

PASSED AND ADOPTED this 30th day of October, 2014.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment to Request for Extension of Approval

Submittal Requirement #2 regarding Request for Extension of Approval for the Ontario Mine Bench Subdivision Plat (Ordinance No. 12-23; 13-43) and the Related Ontario Mine Bench Condominium Plat (Ordinance 12-22; 13-44)

United Park has been working with City departments and others to address items which need to be completed or resolved prior to recordation of the Plats. The requested extension will provide the time needed to address the few items that remain. In particular, additional time is required for the JSSD and United Park to address matters related to the shared ownership and use of the buildings and common areas that are the subject of the Subdivision and Condominium Plats. Also, the JSSD requires additional time to allow it to comply with related legal requirements that apply to them as a public entity and utility service provider, prior to Plat recordation.



**Mine Bench Condo & Subdivision Plat
October 2014**

On August 6, 2014, the applicant applied for processing a Request for Extension , together with the appropriate supporting materials, for both of those Plat approvals and extensions.

The requested extension will provide the Applicant additional time to work through the remaining Conditions of Approval that must be satisfied prior to the recordation of the Plats. Specifically, the applicant is requires additional time to resolve the applicable water impact fees and to work with Jordanelle Special Services District (JSSD). JSSD needs more time to adhere to its legal requirements as a public utility, prior to signing and recordation of the plats.

United Park has been working with City Departments and the consultants to address the Conditions of Approval, but we have not yet satisfied all Conditions.

Unless noted, all other outstanding conditions are as follows:

Subdivision Plat

6. Resolution of water impact fees to reflect current uses. United Park continues to to work with the water district, as to the appropriate calculation of water fees. This calculation is to be based on the current use of the property.

9. Improvements as required consistent with the Flagstaff Master Trail Plan shall be completed prior to plat recordation. Improvements to (1) of the (3) required trails/trailheads are complete. The Guardsman Pass and Daly Canyon trail head improvements are underway, and require administrative CUPS, requiring additional time for public notice.

Condo Plat

4. The applicant will need obtain a building permit from the Park City Building Department to make necessary improvements to the existing building required to separate the ownership of each unit, prior to the recordation of the condominium plat. The building permit cannot be issued until the associated subdivision plat is recorded. The building permit is currently in the hands of the building department. Until the subdivision plat records, and conditions fulfilled noted above, the permit cannot be issued.

Expected and requested time frame of fulfilling all conditions is an additional 12 months, due to trail work to be done in Spring.



**PARK CITY COUNCIL MEETING MINUTES
SUMMIT COUNTY, UTAH,
OCTOBER 17, 2013**

Mayor, Council and staff viewed the Historic Wall at the base of City Hall.

Work Session

Mayor Williams opened the work session with Council questions and comments and Manager's Report

Council member Butwinski attended last week's planning commission meeting where they discussed the General Plan. Also attended Public Art Advisory Board meeting discussing a future project of a mural on the wall entering KCPW along with a temporary mural on the wall at the top of Swede Avenue during Sundance. Attended the HPCA meeting stating there are some members concerned with the vacant buildings on Main Street looking blighted and are concerned with the construction mitigation that allow these buildings to look so dilapidated. Butwinski stated that he has spoken with Chad Root Building Official to get the wheels turning. Foster stated that staff will bring a manager's report to Council with the next packet.

Council member Matsumoto- forwarded complaints from Old Town residents regarding the slow pace of construction. Attended the Friends of the Library luncheon reporting it was a great event. The Library Board also met and is very excited about the updates that are on the horizon. Attended Summit Lands Board meeting, they were very happy about the Vail Grant which was a matching grant for an easement on a property. She also stated the Historic wall looked beautiful and tells the story of where Park City began.

Council member Simpson attended the Health board meeting. She also attended the service for David Chaplin stating it was fantastic. Thanked Carolyn Frankenberg and Tanya Knauer for a great Candidate forum.

Council member Peek also commented on the Historic wall stating it looks great and would recommend they look into a historic name for the wall based on the history of the space. Attended the HPB visioning meeting and discussed the next steps in the Ski Era Resort architecture. Board of Adjustments met and discussed a variance at Norfolk which passed with further direction to resolve some issues.

Council member Beerman

Attended the COSAC meeting and discussed the potential properties they were looking at purchasing. Reported that Treasure Mountain Inn hosted the Women's Giving Fundraiser and they are very close to their million dollar goal. It is a great group. Also, attended the Wasatch Summit Group stating they continue to hone in on their mission and will be rolling out the future steps beginning in January with ambitious goals.

Mayor William's thoughts are with the Armstrong family with the passing of Mel Armstrong.

representative stated that Hyland gave the City a discount for the first year and would be one year from the date entered into the contract. Butwinski also inquired about the meeting encoder option. Hyland rep stated that it is the physical hardware that would provide the recording for streaming online. Robertson stated that IT has budgeted for that hardware.

Council member Peek inquired about the live streaming feature. Glidden stated that Council would have the ability to stream online with this software. Peek inquired further about the process. Hyland rep stated that the agenda would be uploaded to the website as it is currently and then residents could click on any portion of the agenda and be fast forwarded to that portion of the recording. You can stream and download the audio.

Council member Simpson stated she wanted to insure that the audio quality would be better than what they currently have. IT Manager Robertson stated that staff will have to experience with the quality of the microphones to improve the quality of the audio.

Council member Beerman inquired of the possibility of a module or upgrade that would allow speech recognition. Hyland rep stated that they do not have those capabilities with their current software. City Manager Foster stated that the minutes would have audio association just as the agenda would. She also commented on Council member Peek's question regarding the of live streaming of the audio stating it would require Council to make a policy change.

**Council member Simpson moved to approve authorizing the City Manager to execute a
Licensing and Support Agreement and Hosting Services Agreement with Hyland
Software Inc. (Sire Technologies) in the amount of \$21,572 in year one and \$7,908
annually thereafter
Council member Matsumoto seconded
Approved unanimously**

City Manager Foster thanked Glidden for his diligence to bring this project to fruition.

VII. NEW BUSINESS

1. Consideration of an Ordinance approving the Echo Spur Development Plat
Amendment Lots 17, 18, & 19, Park City, UT

Planner Astorga discussed this ordinance approving the combining of lots 17, 18, & 19 located at 459 Echo Spur. Stated that staff has taken this item to the Planning Commission numerous times over the past year. During this last meeting on September 11, 2013 the Planning Commission directed staff to forward a negative recommendation. The major discussions and concerns of the Planning Commission were ridgeline development and vantage point analysis. Astorga stated he has forwarded on recent public comments in favor of the project to Council.

The applicant Leeto Tlou Stated that he has lived in Park City for 11 years, last year he purchased the three lots on Echo Spur with the sole purpose to build a comfortable primary residence for his family. He also feels their plan will benefit the City as well by reducing density, parking and traffic. When the plat amendment was submitted in August of 2012 he was very eager to work with staff in order to bring this to fruition. Throughout this process the applicant and the planning department have worked together in a cooperative relationship to bring a favorable recommendation from staff to the Planning Commission. Staff has put together a large file supporting documents in favor of this project. In the end the Planning Commission decided

Council member Matsumoto inquired of staff on the parking concerns brought up by the residents comments. Planner Astorga stated that they will be required to have on-site parking.

Council member Beerman also thanked the residents for their comments. He did clarify that this is not a for profit project, this project is being completed by residents and the City is subsidizing the project, we are not facilitating a developer.

Council member Peek stated that the impact of a different development scenario would be much greater. The benefits of having a neighborhood moving in rather than a ever changing resident population with condos and weekly rentals as a possibility.

Mayor Williams stated that he would like to see the definition for Urban Open Space looked at as it results to the General Plan. Stated that years ago the City had open space requirements for Main Street and it got to the point were it became detrimental to the commercial area.

Council agreed that the General Plan and the Land Management Code are evolving documents. They also admonished the residents in the Park Avenue area to stay involved with the projects in their area so they can have a hand in the end product.

**Council member Simpson moved to approved the Land Management Code amendments to Historic Residential Medium Density Zone with the addition of the language containing at least 50% to 15-2-4-5d
Council member Peek seconded the motion
Approve unanimously**

5. Consideration of an Ordinance approving an extension of the August 9, 2012 approval of the Ontario Mine Bench Subdivision located at 7700 Marsac Avenue, Park City, UT

Planner Whetstone stated that staff is looking for an approval of an extension to Aug 9, 2014.

Council member Beerman inquired as to why the taxes and water have not been dealt with. Planner Whetstone stated that it is an inherited project and she and the applicant will need to do their homework to get the issues dealt with.

Mayor Williams opened the public hearing, no comment, closed the public hearing.

**Council member Simpson moved to approve the one year extension to August 9, 2014 for the Ontario Mine Bench Subdivision located at 7700 Marsac Avenue, Park City, UT
Council member Beerman seconded
Approved unanimously**

6. Consideration of an Ordinance approving the plat amendment extension of the Mine Bench Condominiums located at 7700 Marsac Avenue, Park City, UT

Planner Whetstone stated that this item goes along with item number 5 on tonight's agenda; it is also a one year extension

Mayor Williams opened the public hearing, no comment, closed the public hearing.

Council member Simpson moved to approve the one year extension of the plat amendment for the Ontario Mine Bench Condominiums located at 7700 Marsac Avenue, Park City, UT

**Council member Peek seconded
Approved unanimously**

7. Consideration of an Ordinance approving a second extension of the November 17, 2011 approval of the Park City Heights Phase 1 subdivision plat located at Richardson Flat Road and US Hwy 40, Park City, UT

Planner Whetstone stated that is a second extension and there have been issues with the soil remediation that will require amendments to the placement of the lots. The Planning Commission has seen this and would like a master plan before they will sign off. Most likely they will abandon this plat once the master plan is complete and replat the area.

Mayor Williams opened the public hearing, no comment, closed the public hearing.

Council member Butwinski moved to approve the Ordinance approving a second extension of the November 17, 2011 approval of the Park City Heights Phase 1 subdivision plat located at Richardson Flat Road and US Hwy 40, Park City, UT

**Council member Beeman
Approved unanimously**

8. Consideration of the 562 Main Façade Easement Revision

Planner Astorga stated that this would be an amendment to the façade easement. Astorga stated that during the final stage of the Historic Design review it was discovered that there was a façade easement on this property at 562 Main Street. The first approach was to lift the building to place a permanent foundation on the property. This was unsuccessful so staff is recommending a paneling approach to the upper level and a surgical reconstruction of the lower half due to the amount of glass. The reconstruction would require to remove piece by piece, number, asses and reuse is possible.

Council member Matsumoto asked for clarity regarding the standards of use stating that when you have a façade easement must meet the rehabilitation standards of the Secretary of the United States Department of Interior. Planner Astorga stated that the approach of the Department of Interior would be to panelized and reconstructed. Astorga stated that the Department of Interior would have to review the project to make a firm determination. Staff added that the language Council member Matsumoto was inquiring about also says "and/or state or local standards considered appropriate by the grantee".

Council member Peek inquired about the discrepancies with the renderings compared to the photograph. Astorga pulled up other photos to compare with the renderings.

Council member Butwinski inquired about the performance bond that will accompany this

project. Astorga stated there is a performance bond of \$324,000.

All parties are committed with keeping the historic integrity of the building.

**Council member Simpson moved to approve the Façade easement
amendments to 562 Main Street
Council member Peek seconded
Approved unanimously**

With no further business the meeting was adjourned.

MEMORANDUM OF CLOSED SESSION

The City Council met in a closed session at approximately 3:30 p.m. Member in attendance were Mayor Dana Williams, Alex Butwinski, Andy Beerman, Cindy Matsumoto, Liza Simpson and Dick Peek. Staff present were Diane Foster, City Manager; Mark Harrington, City Attorney; Heinrich Deters, Trails and Open Space Manager; Jim Blankenau, Environmental Regulatory Program Manager; Nate Rockwood, Budget Manager. **Council member Cindy Matsumoto Moved to close the meeting to discuss Property, Litigation, and Personnel. Council member Andy Beerman Seconded. Motion carried.**

Council member Liza Simpson Moved to open the close session. Council member Andy Beerman Seconded. Motion carried.

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

Prepared by Marci Heil, City Recorder.


Marci S. Heil, City Recorder



Ordinance No. 12-23

**ORDINANCE APPROVING THE ONTARIO MINE BENCH SUBDIVISION
LOCATED AT 7700 MARSAC AVENUE, PARK CITY, UTAH**

WHEREAS, the owners of property located at 7700 Marsac Avenue have petitioned the City Council for approval of the Ontario Mine Bench Subdivision; 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 June 13, 2012, to receive input on the proposed two-lot subdivision located at the aforementioned address; and,

WHEREAS, the Planning Commission, on the aforementioned date, forwarded a recommendation to the City Council and recommended that the City Council approve the same based on the Findings of Fact, Conclusions of Law and Conditions of Approval as stated herein; and,

WHEREAS; the City Council, held a public hearing on August 9, 2012; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Ontario Mine Bench Subdivision as proposed.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Ontario Mine Bench Subdivision as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 7700 Marsac Avenue within the Recreation Open Space (ROS) Zoning District.
2. The property was annexed into the City in 1999 under the June 24, 1999 Flagstaff Mountain area annexation, which was subject to 14 technical reports.
3. The applicants are proposing to create two new lots which were previously split through the recording of a deed. The subdivision will allow the applicant to proceed with a condominium plat that will memorialize the transfer/conveyance of property to the Jordanelle Special Services District.
4. The subdivision is necessary to correct the noncompliant issue with the previous deed.
5. The subdivision will split the existing 30.56 acre parcel into two-lots, Lot 1 being 2.01 acres, and Lot 2 being the balance of the property at 28.55 acres.
6. There are three (3) existing structures on the property including the original mine-shaft building which is now the Jordanelle Special Services District Hoist and Office Building, a maintenance building and additional offices. The hoist building will be located on Lot 1, the other two buildings on Lot 2.
7. Both proposed lots have frontage onto Marsac Avenue, but share a common driveway to access each. Said driveway is also the location of several existing utility and access and cross access easements.

8. The proposed plat will grant a twenty-foot (20') wide access easement to Park City Municipal Corporation for the purpose of memorializing the access road used by the Water Department to gain access to our existing water source located on an adjacent parcel of property.
9. The property is not proposed for further development at this time. Any future development will be subject to the allowed or conditional uses listed in the ROS zone under Section 15-2.7 of the LMC.
10. The applicants are also proposing a Condominium Plat to split the ownership of the existing mine bench building, which is a separate application.
11. The proposed subdivision will not cause any nonconformity with respect to lot size or setbacks.
12. Current uses of the property are consistent with the allowed and conditional uses section of the ROS zone designation, and such uses were acknowledged during the original annexation of the property in 1999, with the exception of the kitchen/bakery that was determined by the Planning Director to be a legal non-conforming use as it is currently used for as a resort support function.
13. There is good cause for the approval of this subdivision plat in that the proposed Subdivision will meet the lot requirements as outlined in the ROS Zone designation, the subdivision will correct a previous deed transfer that was not recognized by the City, and that the subdivision will not cause nonconformity with respect to existing setbacks, etc.
14. The proposal does not result in new development and thus requires no removal of vegetation or grading of the site. There is no anticipated increased level of intensity of uses on the site, and thus there is no additional mitigation measures necessary at this time. Any future development of the property will require property permits and compliance with the ROS Zone.
15. There are no public trails located on the site.
16. Water impact fees originally collected for the water line that services the property and the Mine Bench building may need to be adjusted to reflect current uses within the Mine Bench Building and the general water usage of the property and other properties owned by the applicant that are served by the same water line.
17. Property tax assessment for this property may be incorrect based on old mining claims designation, and not based on current use. This issue must be resolved prior to the recording of the plat.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

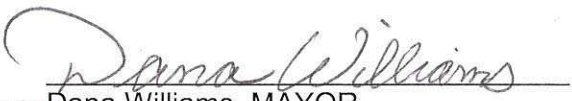
EXHIBIT E

3. Modified 13-D sprinklers will be required for any future renovation of the existing structures located on the property.
4. Satisfaction of the Snyderville Basin Reclamation District requirements will be required prior to the recordation of the plat. The Structures located on Lot 2 at the time of this plat recording are connected to a Common Private Lateral Wastewater Line that services both Lots 1 and 2. At the time Lot 2 is redeveloped or (a) new structure(s) are constructed on the lot a reconfiguration of the private sewer lateral or an extension of the Public Wastewater System to allow any new structures to be connected separately and directly to the Public Wastewater System shall be required.
5. Additional water impact fees to reflect current uses of the property and general water usage on the property may be required. The plat cannot be recorded unless the required impact fees imposed by the Building and Water Departments have been met.
6. Prior to the recording of the subdivision plat, the applicant shall resolve the property tax assessment issues related to the property and shall accurately reflect the current uses of the property.
7. The plat will dedicate a twenty-foot (20') wide access easement to Park City Municipal Corporation for the purpose of memorializing the access road used by the Water Department to gain access to our existing water source located on an adjacent parcel of property.
8. Improvements as required consistent with the Flagstaff Master Trails Plan shall be completed prior to plat recordation.

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

PASSED AND ADOPTED this 9th day of August, 2012.

PARK CITY MUNICIPAL CORPORATION

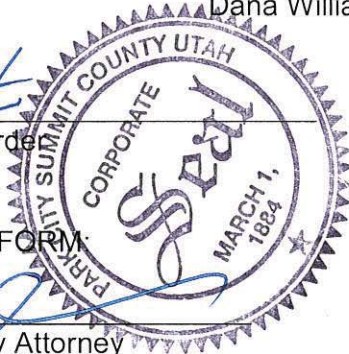

Dana Williams, MAYOR

ATTEST:


Jan Scott, City Recorder

APPROVED AS TO FORM:


Mark Harrington, City Attorney



Ordinance No. 13-43

**AN ORDINANCE APPROVING AN EXTENSION OF THE AUGUST 9, 2012
APPROVAL OF THE ONTARIO MINE BENCH SUBDIVISION LOCATED AT 7700
MARSAC AVENUE, PARK CITY, UTAH.**

WHEREAS, the owners of property located at 7700 Marsac Avenue have petitioned the City Council for approval of an extension of the Ontario Mine Bench Subdivision approval; 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 June 13, 2012, to receive input on the proposed two-lot subdivision located at the aforementioned address; and,

WHEREAS, the Planning Commission, on the aforementioned date, forwarded a recommendation to the City Council and recommended that the City Council approve the same based on the Findings of Fact, Conclusions of Law and Conditions of Approval as stated herein; and,

WHEREAS, the City Council, held a public hearing on August 9, 2012; and approved the subdivision plat; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the extension of the Ontario Mine Bench Subdivision plat approval.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Ontario Mine Bench Subdivision plat (Exhibit A) extension is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 7700 Marsac Avenue within the Recreation Open Space (ROS) Zoning District.
2. The property was annexed into the City in 1999 under the June 24, 1999 Flagstaff Mountain area annexation, which was subject to 14 technical reports.
3. The applicants are proposing to create two new lots to memorialize a prior conveyance to the JSSD which previously split through the recording of a deed. The subdivision will allow the applicant to proceed with a condominium plat that will also

memorialize the transfer/conveyance of property to the Jordanelle Special Services District.

4. The subdivision is necessary to correct the noncompliant issue with the previous deed.
5. The subdivision will split the existing 30.56 acre parcel into two-lots, Lot 1 being 2.01 acres, and Lot 2 being the balance of the property at 28.55 acres.
6. There are three (3) existing structures on the property including the original mine-shaft building (a portion of which is now the Jordanelle Special Services District Hoist and Office Building), a maintenance building, and additional offices. The JSSD portion of the hoist building will be located on Lot 1, the other buildings on Lot 2.
7. Both proposed lots have frontage onto Marsac Avenue, but share a common driveway to access each. Said driveway is also the location of several existing utility and access and cross access easements.
8. The proposed plat will grant a twenty-foot (20') wide access easement to Park City Municipal Corporation for the purpose of memorializing the access road used by the Water Department to gain access to our existing water source located on an adjacent parcel of property.
9. The property is not proposed for further development at this time. Any future development will be subject to the allowed or conditional uses listed in the ROS zone under Section 15-2.7 of the LMC.
10. The applicants are also proposing a Condominium Plat to reflect the split of the ownership of the existing mine bench building, which is a separate application.
11. The proposed subdivision will not cause any nonconformity with respect to lot size or setbacks.
12. Current uses of the property are consistent with the allowed and conditional uses section of the ROS zone designation, and such uses were acknowledged during the original annexation of the property in 1999, with the exception of the kitchen/bakery that was determined by the Planning Director to be a legal non-conforming use as it is currently used for as a resort support function.
13. There is good cause for the approval of this subdivision plat in that the proposed Subdivision will meet the lot requirements as outlined in the ROS Zone designation, will properly memorialize a previous deed transfer through the subdivision process, and that the subdivision will not cause nonconformity with respect to existing setbacks, etc.
14. The proposal does not result in new development and thus requires no removal of vegetation or grading of the site. There is no anticipated increased level of intensity of uses on the site, and thus there is no additional mitigation measures necessary at this time. Any future development of the property will require property permits and compliance with the ROS Zone.
15. There are no public trails located on the site.
16. Water impact fees originally collected for the water line that services the property and the Mine Bench building may need to be adjusted to reflect current uses within the Mine Bench Building and the general water usage of the property and other facilities owned by the applicant that are served by the same water line.

17. Property tax assessment for this property may be incorrect based on state assessment as mining claims, and not based on current use. This issue must be resolved prior to the recording of the plat.
18. The Ontario Mine Bench Subdivision plat was approved by the City Council on August 9, 2012 and given a one year time frame, until August 9, 2013, to record the plat at Summit County. This extension would allow an additional year, until August 9, 2014, for the plat to be recorded at Summit County.
19. On August 1, 2013, the applicant submitted a written request for an extension to the approval to allow additional time to address the required conditions of approval that have to be completed prior to plat recordation.
20. There have been no changes of circumstance of either the property, the Land Management Code, or the zoning map, since the date of approval, that create the need to make additional changes to the proposed plat prior to action on the extension request.
21. The Land Management Code allows for the City Council to approve extensions of plat approvals.

Conclusions of Law:

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

Conditions of Approval:

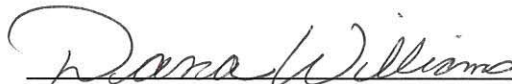
1. The City Attorney and City Engineer will review and approve the final form and content of the subdivision plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the subdivision plat at the County by August 9, 2014. If recordation has not occurred by this time, the plat approval will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A note shall be included on the plat that Modified 13-D sprinklers are required for any future renovation of the existing structures located on the property.
4. Satisfaction of the Snyderville Basin Reclamation District requirements will be required prior to the recordation of the plat. The Structures located on Lot 2 at the time of this plat recording are connected to a Common Private Lateral Wastewater Line that services both Lots 1 and 2.
5. A note shall be added to the plat stating that at the time Lot 2 is redeveloped or (a) new structure(s) are constructed on the lot a reconfiguration of the private sewer lateral or an extension of the Public Wastewater System to allow any new structures to be connected separately and directly to the Public Wastewater System shall be required.

6. Resolution of water impact fees to reflect current uses of the property and general water usage on the property may be required. The plat cannot be recorded unless all applicable impact fees imposed by the Building and Water Departments have been met.
7. Prior to the recording of the subdivision plat, the applicant shall resolve the property tax assessment issues related to the property and shall accurately reflect the current uses on the property.
8. The plat shall dedicate a twenty-foot (20') wide access easement to Park City Municipal Corporation as contained in the "Owners Dedication" language on the draft plats.
9. Improvements as required consistent with the Flagstaff Master Trail Plan shall be completed prior to plat recordation.

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

PASSED AND ADOPTED this 17th day of October, 2013.

PARK CITY MUNICIPAL CORPORATION

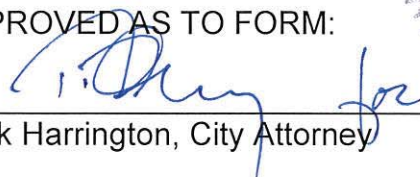

Dana Williams, MAYOR

ATTEST:


Marci S. Heil, City Recorder



APPROVED AS TO FORM:


Mark Harrington, City Attorney

Kirsten Whetstone

From: Douglas Ogilvy <dogilvy@taliskermountain.com>
Sent: Monday, July 07, 2014 12:42 PM
To: Kirsten Whetstone
Cc: Brianne Kelsey
Subject: Mine Bench Subdivision

Hi Kirsten,

As requested, I met with the Summit County Assessor's office to review the tax assessments on the Ontario Mine Bench. Steve Martin, Kenny Jacobson and Jeremy Manning were all in attendance. I advised them that PCMC required confirmation on how these lands are currently assessed as part of our effort to record the Mine Bench Subdivision.

As noted in the attached email from the Assesor's Office in follow up to our meeting, the Mine Bench lands are currently appraised by the Utah State Tax Commission along with other unplatted mining claims owned by United Park. The appraisal of improvements on the Mine Bench is performed by the Summit County Assessor's Office and reflects the current building uses.

I trust that this email is sufficient to address the assessment issue as required for Plat Map recordation.

Regards,

Douglas.

DOUGLAS OGILVY

Chief Development Officer

C. 775.223.1204

E. dogilvy@taliskermountain.com

TALISKER MOUNTAIN INC.

P.O. Box 4349 Park City, UT 84060

From: Kenny Jacobson [mailto:kjacobson@summitcounty.org]
Sent: Thursday, June 19, 2014 3:27 PM
To: Douglas Ogilvy
Cc: Steve Martin; Jeremy Manning
Subject: S-98

Douglas,

The Summit County Assessor's Office toured the buildings located on Parcel S-98 in September of 2010, we measured the buildings and reported on the different uses that were readily viewable during our onsite visit. Due to the fact that the land at the time had numerous mining claims associated with it the market value for the underlying property (land) was appraised by the Utah State Tax commission. Our responsibility with the Summit County Assessor's Office was to provide an opinion of value for the improvements associated with parcel S-98, at the time of inspection there were multiple uses on the property, there was a building that was used for offices, a building that was being used for a

City Council Staff Report



PLANNING DEPARTMENT

Subject: Ontario Mine Bench Condominium
Author: Kirsten Whetstone, MS, AICP
Date: October 30, 2014
Type of Item: Extension of Condominium plat approval
Project Numbers: PL-10-01071, PL-13-02014, and PL-14-02457

Summary Recommendations

Staff recommends that the City Council hold a public hearing and consider approving a request for a second one year extension for the Ontario Mine Bench Condominium plat approval, based on the findings of fact, conclusions of law, and conditions of approval as found in the attached ordinance.

Description

Applicant: United Park City Mines on behalf of itself and the Jordanelle Special Services District (JSSD)
Location: 7700 Marsac Avenue
Zoning: Recreation Open Space (ROS)
Adjacent Land Uses: Open Space and Residential/Resort
Reason for Review: Extensions of condominium plats require review and final action by the City Council.

Proposal

This is a request for a second one year extension of the August 9, 2012 approval of the Ontario Mine Bench Condominium plat, to allow the applicant additional time to complete the conditions of approval that must be satisfied prior to recordation of the plat (Exhibit B). If approved the extension would be granted to August 9, 2015.

The applicant is proposing a three (3) unit (Units 1, 2A and 2B) condominium record of survey plat conversion of an existing building located on Lot 1 of the Ontario Mine Bench Subdivision. The purpose of the condominium plat is to memorialize Jordanelle Special Services District (JSSD) and United Park City Mines existing ownership of the land and improvements on proposed Lot 1.

The proposed condominium plat (Exhibit A) would split ownership of the Mine Bench building, also known as the Number 3 shaft site of the Ontario Mine and the Silver Mine Adventure Tour building, into three units. Unit 1, which encompasses a majority of the building, Unit 2A, and Unit 2B which are connected by internal infrastructure, but not attached to one-another via a common wall. Only Units 1 and 2A are attached.

Aside from any work required by the Building Department to make sure that the structures are separated by a fire-rated wall that meets current Building Code requirements, there are no other proposed developments, either internally or externally.

Any future expansion of the building would require a condominium plat amendment to show the additional private ownership areas. There have been no changes of circumstance of either the property, the Land Management Code, or the zoning map, since the date of the original approval, that create the need to make further changes to the proposed plat.

City Staff from Planning, Water, Sustainability, Legal, Building, and Engineering have worked together to assist the Applicant in resolving the outstanding issues. These issues include that the building permit for the work to separate the building into two units cannot be issued until the subdivision plat is recorded and also this condominium plat cannot be recorded until the subdivision plat is recorded. Because recordation of this condominium plat is dependent on recordation of the subdivision plat and not all of the conditions of approval of the subdivision plat have been met, this condominium plat is on hold. There has been progress made on the subdivision plat conditions, including trail and trailhead construction, water impact fee assessment, tax assessment clarification, review of submitted building plans and building permit for separating the building into two separate units (involving the separation of utilities, access, and fire protection and creation of new private services that are located either in easements or are completely located within the individual units), and final redlining of the plats. Staff encouraged the Applicant to apply for a second extension in order to complete the work and get the plats recorded.

Background

The Mine Bench building ceased operations in 1982 and eventually the building became a tourist attraction with the “Silver Mine Adventure Tour”. In 1999, the property and building were annexed into Park City as part of the Flagstaff Mountain Annexation. In 2001 the owners of the Mine Adventure Tour ceased its operation, and in August of 2002, a portion of the Silver Mine Bench property was conveyed to JSSD and conveyed to them by deed.



On September 27, 2010, an application for a two-lot subdivision and the Condominium Plat of the existing Mine Bench building was received by the Planning Department. On May 23, 2012, the applicant was deemed “complete”, as there were several iterations of revisions requested to complete the application.

On June 13, 2012, the Planning Commission conducted a public hearing and forwarded a positive recommendation to City Council. On August 9, 2012, the City Council conducted a public hearing and approved the requested condominium plat with conditions as reflected in the attached Ordinance (Exhibit C).

On August 1, 2013, the applicant submitted a written request for an extension of the condominium plat approval that was granted by the City Council on October 17, 2013 (Exhibit D).

On August 8, 2014, the applicant submitted a written request for a second extension of the August 9, 2012 approval to allow additional time to address the conditions of approval of the subdivision plat that are required to be complied with prior to recordation of that plat and subsequent recordation of this condominium plat. One of the conditions of the condominium plat was to obtain a building permit from the Park City Building Department to make necessary improvements to the existing building required to separate the ownership of each unit. The applicant submitted a building permit application that has been reviewed by Building, Planning, and Engineering and cannot be issued until the associated subdivision plat is recorded.

Analysis

Planning Staff finds there is good cause for the Condominium plat extension. Lot 1 of the Ontario Mine Bench Subdivision is 2.01 acres and contains the existing Mine Bench building (Number 3 shaft site) currently used by JSSD (Main building and Hoist Building). The balance of property is the old Silver Mine Adventure Building. Lot 2, which is 28.55 acres, includes a maintenance building, office building, a salt storage yurt, and a parking lot. The remaining property is undeveloped.

The existing Mine Bench building has access to Marsac Avenue through a recorded access easement. The driveway contains several utilities (water, sewer, etc.) as well as an access easement that allows the City to gain access to the Judge Tunnel Water source, which is located on an adjacent property to the north. Easements are addressed with the concurrent subdivision plat for this property.

Allowed uses within the building are subject to those as outlined in Section 15-2.7-1 of the LMC. The ROS Zone has only one “permitted” use which is “Conservation Activity”. The Code also lists several Conditional Uses. Among the Conditional Uses listed are “Essential Municipal Public Utility Use, Facility, Service, and Structure, greater than 600 sq. ft. and “Resort Support Commercial” which is what a majority of the property has been used for. The portion of the building used by JSSD would fall under “Public Utility uses.” The previously operated bakery that has not been in operation for over a year falls under the “Resort Support” category as previously determined by the Planning

Director, Thomas Eddington. No Conditional Use Permits will be required for any of the existing uses due to the fact that they were legal-nonconforming when the property as annexed in 1999. The non-conforming use has been abandoned.

In February 2008, the City received a code violation complaint about a bakery in operation inside of the Mine Bench Building. Soon after the complaint was filed an application for a business license for the “Mine Bench Bakery” was received by the Finance Department. Ultimately the business license was denied due to the fact that there was no Conditional Use Permit on file for business. The owners of the bakery, Talisker, argued that the bakery had been in place since the closure of the “Silver Mine Adventure Tour” and that it simply utilized the existing kitchen that had previously been permitted when the property was still in the unincorporated county. In researching the Bakery, the City discovered that a portion of the Mine Bench building had been sold to JSSD. The owners were ultimately informed that a Subdivision and Condo-Plat were necessary to mitigate setback and property line issues. These issues with the bakery are now moot as the use has been abandoned for more than a year.

Current uses of each unit are consistent with the allowed and conditional uses section of the ROS zone designation, and such uses were acknowledged during the original annexation of the property in 1999, with the exception of the bakery that was determined by the Planning Director to be a legal non-conforming use. Furthermore, the non-retail bakery was within compliance with the previous use of the building as a kitchen with a commercial license as an accessory to the previous use as the “Silver Mine Adventure” tour. The bakery is no longer in operation.

Any proposed changes to the uses within the building that fall under the uses specified within the ROS zone will likely be subject to a “Conditional Use Permit”, uses not listed as “permitted” or “conditional” would not be allowed.

The applicant timely submitted a written request for an extension of the approval. There have been no changes of circumstance of either the property, the Land Management Code, or the zoning map, since the date of approval, that create the need to make additional changes to the proposed plat prior to action on the extension request. The Land Management Code allows for the City Council to approve extensions of plat approvals.

Process

Approval of the extension application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. The extension provides an additional year for the applicant to record the condominium plat at Summit County. Recordation shall occur prior to August 9, 2015 or the approval will expire, unless the applicant submits a written request for an additional extension.

Department Review

This project has gone through an interdepartmental review. All of the issues raised by the Development Review Committee (DRC) have been addressed. There have been no

changes of circumstance of either the property, the Land Management Code, or the zoning map, since the date of approval, that create the need to make changes to the proposed plat.

Notice

On October 16, 2014, the property was posted and notice was mailed to property owners within 300 feet in accordance with the requirements in the LMC. Legal notice was also published in the Park Record on October 15, 2014, in accordance with the requirements of the LMC.

Public Input

No public input was received at the time of writing this report. Public input may be taken at the regularly scheduled Council meeting on October 30, 2014.

Alternatives

- The City Council may approve the request for an extension of approval for the Ontario Mine Bench Condominium Plat as conditioned or amended; or
- The City Council may deny the request for an extension of approval and direct staff to make findings for this decision; or
- The City Council may continue discussion on the extension request to a date certain and request additional information.
- There is not a “no action” option with this type of item.

Significant Impacts

There are no significant fiscal or environmental impacts from this application which is an extension of approval of the condominium plat. Potential environmental impacts will be mitigated by the fact that there is no new construction proposed on the property.

Consequences of not taking the Suggested Recommendation

The proposed condominium plat would not be recorded and the ownership of the building would still be split by deed as previously recorded.

Recommendation

Staff recommends that the City Council hold a public hearing and consider approving a request for a second one year extension of the Ontario Mine Bench Condominium plat approval, based on the findings of fact, conclusions of law and conditions of approval as found in the attached ordinance.

Exhibits

Ordinance

Exhibit A- Proposed Condominium Plat

Exhibit B- Written request for extension

Exhibit C- August 9, 2012 approved Ordinance

Exhibit D- October 17, 2013 approved Ordinance

Ordinance No. 14-

**AN ORDINANCE APPROVING A SECOND EXTENSION OF THE AUGUST 9, 2012
APPROVAL OF THE ONTARIO MINE BENCH CONDOMINIUMS LOCATED AT 7700
MARSAC AVENUE, PARK CITY, UTAH.**

WHEREAS, the owners of property located at 7700 Marsac Avenue have petitioned the City Council for approval of a second extension of the Ontario Mine Bench Condominiums approval;

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

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

WHEREAS, the Planning Commission held a public hearing on June 13, 2012, to receive input on the proposed three-unit condominium plat located at the aforementioned address;

WHEREAS, the Planning Commission, on the aforementioned date, forwarded a recommendation to the City Council to approve the proposed condominium plat according to the Findings of Fact, Conclusions of Law and Conditions of approval as stated herein;

WHEREAS; the City Council, held a public hearing on August 9, 2012, and approved the Ontario Mine Bench Condominium plat;

WHEREAS; the City Council, held a public hearing on October 17, 2013 and approved an extension of the condominium plat approval to August 9, 2014;

WHEREAS; the City Council held a public hearing on October 30, 2014 and approved a second extension of the subdivision plat approval to August 9, 2015; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the extension of the Ontario Mine Bench Condominium plat approval to allow time to resolve issues of interest to the City that are also required to be complied with prior to plat recordation.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Ontario Mine Bench 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 property is located at 7700 Marsac Avenue within the Recreation Open Space (ROS) Zoning District.
2. The property was annexed into the City in 1999 under the June 24, 1999 Flagstaff Mountain area annexation.
3. The applicants are proposing to create a three-unit condominium plat that will separate the ownership of the existing Mine Bench (Number 3 shaft) building.
4. The condominium plat is necessary to correct the noncompliant issue with the previous deed to split the ownership of the building.
5. The condominium plat consists of one parcel of 2.01 acres which has one building connected by common walls and infrastructure and surrounding open space that will be held in common for the use of all property owners.
6. Any expansion of the existing building will require an amendment to the condominium plat.
7. The building is accessed through an existing recorded access easement and common use driveway that traverses Lot 2 of the Ontario Mine Bench Subdivision which leads to Marsac Avenue. The driveway is also the location of an easement for several utilities including water and sewer.
8. The condominium plat consists of one building with 3 units, one of which is attached by infrastructure, and there is no further development proposed at this time. Any future development will be subject to the allowed or conditional uses listed in the ROS zone under Section 15-2.7 of the LMC in effect at the time of permit application.
9. The proposed condominium plat will not create any nonconformity with respect to unit size or setbacks permitted by the ROS zone.
10. Current uses of each unit are consistent with the allowed and conditional uses section of the ROS zone designation, and such uses were acknowledged during the original annexation of the property in 1999.
11. There is good-cause for the approval of this condominium plat extension in that the proposed plat will meet the requirements as outlined in the ROS Zone designation, the plat will memorialize a previous deed transfer that was not recognized by the City, and that the condominiums will not cause nonconformity with respect to existing setbacks, etc.
12. The proposal does not result in new development and thus requires no removal of vegetation or grading of the site. There is no anticipated increased level of intensity of uses within the building, and thus there is no additional mitigation measures necessary at this time.
13. The Ontario Mine Bench Condominium plat was approved by the City Council on August 9, 2012 and a one year time frame was given, until August 9, 2013, to record the plat at Summit County.
14. On August 1, 2013, the applicant submitted a written request for an extension of the approval to allow additional time to address the required conditions of approval that have to be completed prior to plat recordation. The first extension was granted by the City Council until August 9, 2014.
15. On August 8, 2014, the applicant submitted a written request for a second extension of the approval to August 9, 2015.

16. There have been no changes of circumstance of either the property, the Land Management Code, or the zoning map, since the date of approval, that create the need to make additional changes to the proposed plat prior to action on the extension request.
17. The Land Management Code allows for the City Council to approve extensions of plat approvals.
18. The previous non-conforming bakery use hasn't been in use for over one (1) year and has been abandoned.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the condominium plat at the County by August 9, 2015. If recordation has not occurred by this time, the plat approval will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A note shall be included on the plat stating that Modified 13-D sprinklers will be required for new construction and any future renovation of the existing structures located on the property.
4. The applicant will need obtain a building permit from the Park City Building Department to make necessary improvements to the existing building required to separate the ownership of each unit, prior to the recordation of the condominium plat. The building permit cannot be issued until the associated subdivision plat is recorded.
5. Compliance with applicable conditions of approval for the Ontario Mine Bench Subdivision shall also apply. The units of the Ontario Mine Bench Condominiums are served by a Common Private Lateral Wastewater Line. The Ontario Mine Bench Condominium Association shall be responsible for ownership, operation and maintenance of the Common Private Lateral Wastewater Line.

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

PASSED AND ADOPTED this 30th day of October, 2014.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

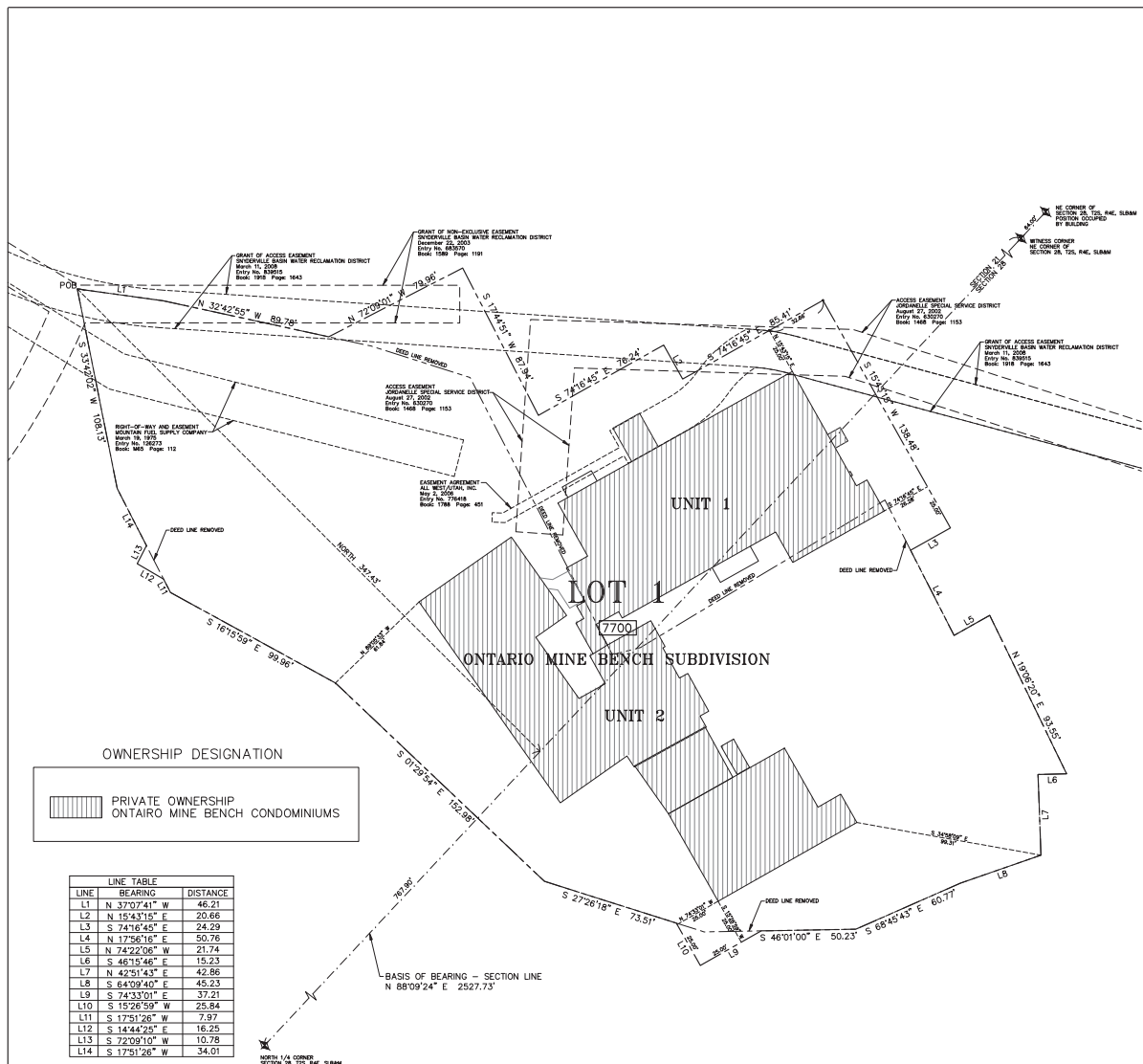
ATTEST:

Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

EXHIBIT A



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 owners, this Condominium Plot of the ONTARIO MINE BENCH CONDOMINIUMS, a Utah Condominium Project, in accordance with the provisions of the Utah Condominium Ownership Act. I further certify that the information shown herein is correct.

JOHN DEMKOWICZ, L.S. #154491

DATE

BOUNDARY DESCRIPTION

Lot 1, Ontario Mine Bench Subdivision, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, the undersigned is the owner of the Ontario Mine Bench Condominiums and as owner of the Common Areas described herein does hereby certify that it has caused this survey to be made and this Condominium Plot of Ontario Mine Bench to be prepared and hereby consents to the recording of this Condominium Plot and submit to the Utah Condominium Ownership Act.

In witness whereof the undersigned has executed this certificate and dedication this ____ day of _____, 2014.

UNITED PARK CITY MINES
A Delaware Limited Liability Company
By: _____
Title: _____

CORPORATE ACKNOWLEDGMENT

State of Utah)
County of _____)
On this ____ day of _____, 2014, personally appeared before me _____ whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me duly sworn/affirmed, did say that he/she is the _____ of _____ and that said Document was signed by him/her in behalf of said Corporation by Authority of its Bylaws, or (Resolution of its Board of Directors), and said _____ Acknowledged to me that said Corporation executed the same.

Notary Public

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS, that the undersigned is the Owner of the herein described tract of land, and hereby causes the same to be divided into lots together with easements and public CONDOMINIUMS.

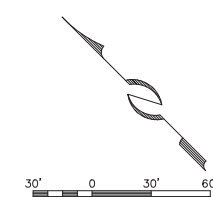
In witness whereof the undersigned has executed this certificate and dedication this ____ day of _____, 2014.

JORDANELLE SPECIAL SERVICE DISTRICT
By: _____

ACKNOWLEDGMENT

State of _____)
County of _____)
This instrument was acknowledged before me this ____ day of _____, 2012 by _____ the _____ of JORDANELLE SPECIAL SERVICE DISTRICT and that he signed the foregoing Owner's Consent to Record on behalf of the corporation with full authority of its Bylaws.

A Notary Public commissioned in Utah _____
Residing in: _____ My commission expires: _____



ONTARIO MINE BENCH CONDOMINIUMS

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

SHEET 1 OF 2

 (435) 648-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street, P.O. Box 2664 Park City, Utah 84060-2664	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2014 A.D. BY _____ S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 13th DAY OF JUNE, 2012 A.D. BY _____ CHAIRMAN	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2014 A.D. BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2012 A.D. BY _____ PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2014 A.D. BY _____ PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 17th DAY OF OCTOBER, 2013 A.D. BY _____ MAYOR	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____ FEE _____ RECORDER _____
	JOB NO.: 1-5-10 FILE: X:\Empire.dwg\ar\plot2010\010510-condo_4-11-12.dwg						
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	30' 0 30' 60'						



OWNERSHIP DESIGNATIONS

	PRIVATE OWNERSHIP
	COMMON OWNERSHIP
	LIMITED COMMON OWNERSHIP



ONTARIO MINE BENCH CONDOMINIUMS

Attachment to Request for Extension of Approval

Submittal Requirement #2 regarding Request for Extension of Approval for the Ontario Mine Bench Subdivision Plat (Ordinance No. 12-23; 13-43) and the Related Ontario Mine Bench Condominium Plat (Ordinance 12-22; 13-44)

United Park has been working with City departments and others to address items which need to be completed or resolved prior to recordation of the Plats. The requested extension will provide the time needed to address the few items that remain. In particular, additional time is required for the JSSD and United Park to address matters related to the shared ownership and use of the buildings and common areas that are the subject of the Subdivision and Condominium Plats. Also, the JSSD requires additional time to allow it to comply with related legal requirements that apply to them as a public entity and utility service provider, prior to Plat recordation.



**Mine Bench Condo & Subdivision Plat
October 2014**

On August 6, 2014, the applicant applied for processing a Request for Extension , together with the appropriate supporting materials, for both of those Plat approvals and extensions.

The requested extension will provide the Applicant additional time to work through the remaining Conditions of Approval that must be satisfied prior to the recordation of the Plats. Specifically, the applicant is requires additional time to resolve the applicable water impact fees and to work with Jordanelle Special Services District (JSSD). JSSD needs more time to adhere to its legal requirements as a public utility, prior to signing and recordation of the plats.

United Park has been working with City Departments and the consultants to address the Conditions of Approval, but we have not yet satisfied all Conditions.

Unless noted, all other outstanding conditions are as follows:

Subdivision Plat

6. Resolution of water impact fees to reflect current uses. United Park continues to to work with the water district, as to the appropriate calculation of water fees. This calculation is to be based on the current use of the property.

9. Improvements as required consistent with the Flagstaff Master Trail Plan shall be completed prior to plat recordation. Improvements to (1) of the (3) required trails/trailheads are complete. The Guardsman Pass and Daly Canyon trail head improvements are underway, and require administrative CUPS, requiring additional time for public notice.

Condo Plat

4. The applicant will need obtain a building permit from the Park City Building Department to make necessary improvements to the existing building required to separate the ownership of each unit, prior to the recordation of the condominium plat. The building permit cannot be issued until the associated subdivision plat is recorded. The building permit is currently in the hands of the building department. Until the subdivision plat records, and conditions fulfilled noted above, the permit cannot be issued.

Expected and requested time frame of fulfilling all conditions is an additional 12 months, due to trail work to be done in Spring.

Ordinance No. 12-22

AN ORDINANCE APPROVING THE ONTARIO MINE BENCH CONDOMINIUMS LOCATED AT 7700 MARSAC AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of property located at 7700 Marsac Avenue have petitioned the City Council for approval of the Ontario Mine Bench Condominiums; 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 June 13, 2012, to receive input on the proposed three-unit condominium plat located at the aforementioned address; and,

WHEREAS, the Planning Commission, on the aforementioned date, forwarded a recommendation to the City Council to approve the proposed condominium plat according to the Findings of Fact, Conclusions of Law and Conditions of approval as stated herein; and,

WHEREAS; the City Council, held a public hearing on August 9, 2012; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Ontario Mine Bench Condominium plat as proposed.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Ontario Mine Bench 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 property is located at 7700 Marsac Avenue within the Recreation Open Space (ROS) Zoning District.
2. The property was annexed into the City in 1999 under the June 24, 1999 Flagstaff Mountain area annexation.
3. The applicants are proposing to create a three-unit condominium plat that will separate the ownership of the existing Mine Bench (number 3 shaft) building.
4. The condominium plat is necessary to correct the noncompliant issue with the previous deed to split the ownership of the building.

5. The condominium plat consists of one parcel of 2.01 acres which has one building connected by common walls and infrastructure and surrounding open space that will be held in common for the use of all property owners.
6. Any expansion of the existing building will require an amendment to the condominium plat.
7. The building is accessed through an existing recorded access easement and common use driveway that traverses Lot 2 of the Ontario Mine Bench Subdivision which leads to Marsac Avenue. The driveway is also the location of an easement for several utilities including water and sewer.
8. The condominium plat consists of one building with 3 units, one of which is attached by infrastructure, and there is no further development proposed at this time. Any future development will be subject to the allowed or conditional uses listed in the ROS zone under Section 15-2.7 of the LMC.
9. The proposed condominium plat will not create any nonconformity with respect to unit size or setbacks permitted by the ROS zone.
10. Current uses of each unit is consistent with the allowed and conditional uses section of the ROS zone designation, and such uses were acknowledged during the original annexation of the property in 1999.
11. There is good-cause for the approval of this condominium plat in that the proposed plat will meet the requirements as outlined in the ROS Zone designation, the plat will memorialize a previous deed transfer that was not recognized by the City, and that the condominiums will not cause nonconformity with respect to existing setbacks, etc.
12. The proposal does not result in new development and thus requires no removal of vegetation or grading of the site. There is no anticipated increased level of intensity of uses within the building, and thus there is no additional mitigation measures necessary at this time.

Conclusions of Law:

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

Conditions of Approval:

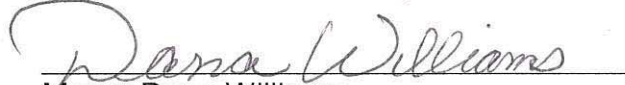
1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. Modified 13-D sprinklers will be required for any future renovation of the existing structures located on the property.
4. The applicant will need obtain a building permit from the Park City Building Department to make necessary improvements to the existing building required to separate the ownership of each unit, prior to the recordation of the condominium plat.
5. Compliance with applicable conditions of approval for the Ontario Mine Bench Subdivision shall also apply. The units of the Ontario Mine Bench Condominiums are served by a Common Private Lateral Wastewater Line. The Ontario Mine Bench Condominium Association shall be responsible for ownership, operation and maintenance of the Common Private Lateral Wastewater Line.

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

PASSED AND ADOPTED this 9th day of August, 2012.

PARK CITY MUNICIPAL CORPORATION

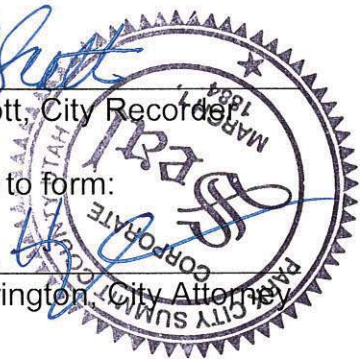

Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney



Ordinance No. 13-44

**AN ORDINANCE APPROVING AN EXTENSION OF THE AUGUST 9, 2012
APPROVAL OF THE ONTARIO MINE BENCH CONDOMINIUMS LOCATED AT 7700
MARSAC AVENUE, PARK CITY, UTAH.**

WHEREAS, the owners of property located at 7700 Marsac Avenue have petitioned the City Council for approval of an extension of the Ontario Mine Bench Condominiums approval;

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

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

WHEREAS, the Planning Commission held a public hearing on June 13, 2012, to receive input on the proposed three-unit condominium plat located at the aforementioned address;

WHEREAS, the Planning Commission, on the aforementioned date, forwarded a recommendation to the City Council to approve the proposed condominium plat according to the Findings of Fact, Conclusions of Law and Conditions of approval as stated herein;

WHEREAS; the City Council, held a public hearing on August 9, 2012, and approved the Ontario Mine Bench Condominium plat;

WHEREAS, it is in the best interest of Park City, Utah to approve the extension of the Ontario Mine Bench Condominium plat as proposed.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Ontario Mine Bench 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 property is located at 7700 Marsac Avenue within the Recreation Open Space (ROS) Zoning District.
2. The property was annexed into the City in 1999 under the June 24, 1999 Flagstaff Mountain area annexation.
3. The applicants are proposing to create a three-unit condominium plat that will separate the ownership of the existing Mine Bench (Number 3 shaft) building.

4. The condominium plat is necessary to correct the noncompliant issue with the previous deed to split the ownership of the building.
5. The condominium plat consists of one parcel of 2.01 acres which has one building connected by common walls and infrastructure and surrounding open space that will be held in common for the use of all property owners.
6. Any expansion of the existing building will require an amendment to the condominium plat.
7. The building is accessed through an existing recorded access easement and common use driveway that traverses Lot 2 of the Ontario Mine Bench Subdivision which leads to Marsac Avenue. The driveway is also the location of an easement for several utilities including water and sewer.
8. The condominium plat consists of one building with 3 units, one of which is attached by infrastructure, and there is no further development proposed at this time. Any future development will be subject to the allowed or conditional uses listed in the ROS zone under Section 15-2.7 of the LMC.
9. The proposed condominium plat will not create any nonconformity with respect to unit size or setbacks permitted by the ROS zone.
10. Current uses of each unit are consistent with the allowed and conditional uses section of the ROS zone designation, and such uses were acknowledged during the original annexation of the property in 1999.
11. There is good-cause for the approval of this condominium plat extension in that the proposed plat will meet the requirements as outlined in the ROS Zone designation, the plat will memorialize a previous deed transfer that was not recognized by the City, and that the condominiums will not cause nonconformity with respect to existing setbacks, etc.
12. The proposal does not result in new development and thus requires no removal of vegetation or grading of the site. There is no anticipated increased level of intensity of uses within the building, and thus there is no additional mitigation measures necessary at this time.
13. The Ontario Mine Bench Condominium plat was approved by the City Council on August 9, 2012 and given a one year time frame, until August 9, 2013, to record the plat at Summit County. This extension would allow an additional year, until August 9, 2014, for the plat to be recorded.
14. On August 1, 2013, the applicant submitted a written request for an extension of the approval to allow additional time to address the required conditions of approval that have to be completed prior to plat recordation.
15. There have been no changes of circumstance of either the property, the Land Management Code, or the zoning map, since the date of approval, that create the need to make additional changes to the proposed plat prior to action on the extension request.
16. The Land Management Code allows for the City Council to approve extensions of plat approvals.

Conclusions of Law:

1. There is good cause for this condominium plat application and for the extension of the plat approval.

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

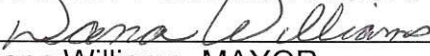
Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the condominium plat at the County by August 9, 2014. If recordation has not occurred by this time, the plat approval will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A note shall be included on the plat stating that Modified 13-D sprinklers will be required for new construction and any future renovation of the existing structures located on the property.
4. The applicant will need obtain a building permit from the Park City Building Department to make necessary improvements to the existing building required to separate the ownership of each unit, prior to the recordation of the condominium plat. The building permit cannot be issued until the associated subdivision plat is recorded.
5. Compliance with applicable conditions of approval for the Ontario Mine Bench Subdivision shall also apply. The units of the Ontario Mine Bench Condominiums are served by a Common Private Lateral Wastewater Line. The Ontario Mine Bench Condominium Association shall be responsible for ownership, operation and maintenance of the Common Private Lateral Wastewater Line.

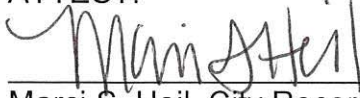
SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 17th day of October, 2013.

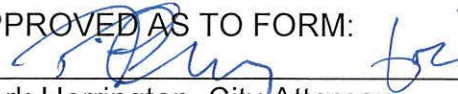
PARK CITY MUNICIPAL CORPORATION


Dana Williams, MAYOR

ATTEST:


Marci S. Heil, City Recorder

APPROVED AS TO FORM:


Mark Harrington, City Attorney

