PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 25, 2012

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 25, 2012.

Closed Session
1:00 p.m. Personnel, property and litigation

Work Session

4:30 p.m.	Council questions and comments	
4:40 p.m.	Seasonal lighting regulations	P. 4 - 9
5:10 p.m.	Recreation Annual Report	P. 10 - 38
5:50 p.m.	Break	

Regular Meeting
6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

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

Pancreatic Cancer Awareness Month P. 64 - 65

IV MINUTES OF MEETINGS OF OCTOBER 4 AND OCTOBER 11, 2012

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 under "Additional Discussion – Agenda Items")*

1. Consideration of a Resolution proclaiming November 1, 2012 as Extra Mile Day in Park City, Utah P. 60 - 63

2. Consideration of a Resolution proclaiming the month of November as Pancreatic Cancer Awareness Month in Park City, Utah P. 64 - 65

3. Consideration of authorization to enter into a contract to purchase a license and five year software maintenance agreement, in a form approved by the City Attorney's Office, with Azteca Cityworks AMS in the amount of $64,900 P. 66 - 70

VI NEW BUSINESS

1. Consideration of the Richards/PCMC Annexation Petition
   (a) Public hearing
   (b) **Motion to continue to continue to a date uncertain**

2. Consideration of an Ordinance approving the 264 Ontario Avenue Subdivision, combining Lots 13, 14, 15 and a portion of 16, Block 60 of the Park City Suvey, into one lot of record for 264 Ontario, located in Park City, Summit County, Utah P. 71 - 96

(a) Public hearing
(b) Action

3. Consideration of an Ordinance approving the Lot 1 Amended Hidden Hollow Subdivison at Deer Crest located at 11398 North Snowtop Road, Park City, Utah P. 97 - 124

(a) Public hearing
(b) Action

VIII ADJOURNMENT

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

PARK CITY COUNCIL TRIP
BOREAL SKI RESORT
OCTOBER 27 – 28, 2012

PUBLIC NOTICE IS HEREBY GIVEN that a majority of Park City Council will be visiting the Woodward Tahoe Facility at the base of Boreal Ski Resort, Truckee, California from Saturday, October 27, 2012 through Sunday, October 28, 2012. This trip is for informational purposes only and no formal City business will be conducted.

Posted: 10/22/12
See: www.parkcity.org

Note: This future meeting schedule is TENTATIVE and subject to change.

October 2012
24 Planning Commission meeting – Bonanza Park formed-based code presentation
25 See agenda

November 2012
1 Special events update
Lower Park Avenue RDA update
Library annual report
HPCA parking request (30 min)
Housing Authority – Silver Star affordable housing
8 Municipal lighting and lighting outdoor art
Substation expansion/relocation
Sundance supplemental plan
12 City Manager interviews held this week
15
22 **Thanksgiving**
29 Annual insurance renewals
RDA meeting

December 2012
6 City fleet fuel strategy
13
20
27 **Holiday recess**

January 2013
3 **Holiday recess**
10 Resolutions setting forth annual meeting dates and appointment of officers
17 **No meeting - Sundance**
24
31

Pending Items:
Wasatch Front and Back mountain resort expansions – Mayor Becker team
Ice Arena Strategic Plan
Latino Community outreach and engagement – study
RDA and other economic districts strategic plan
Resolution establishing a strategic plan for City-owned property with development potential in Park City, Utah and repealing and replacing Resolution No. 22-05 in its entirety
Quarterly goals update – after adoption of 2030 Plan
Business Recruitment Study
MFL - RAGNAR 2013 – Wasatch Back Relay

City Council
Staff Report

Subject: **Seasonal Lighting**
Author: **Anya Grahn, Planner**
Thomas Eddington, Planning Director
Department: **Planning**
Date: **25 October 2012**
Type of Item: **Work Session**

Summary Recommendations:
Staff recommends that City Council review the provided analysis and provide direction to Planning Staff regarding future changes in the Land Management Code (LMC) regarding seasonal lighting.

Topic/Description:

Currently, there are inconsistencies in the Park City Municipal Code, Section 12-4-9 and the Park City Land Management Code (LMC), Section 15-5-5 in regards to seasonal lighting. Currently, the use of seasonal lights year-round is prohibited, hence the word "seasonal!" A number of buildings on historic Main Street currently have "seasonal" lights that either frame their buildings, trim balconies, or wrap windows. The Building Department's code officers have noted that these are in violation of the City's ordinances.

Moreover, there are discrepancies in the Park City Municipal Code and Park City Land Management Code (LMC) in regards to the duration of seasonal lighting. Section 12-4-9 of the Municipal Code limits the use of seasonal lights from the 1st of November through the 15th of April only; whereas, Section 15-5-5 of the Land Management Code permits their use from the 1st of November through the 31st of March.

The intent of this report is to provide some background information and make some recommendations to this portion of the City's codes, taking into account the potential impacts on a future Dark Skies Ordinance.

Analysis:

The lighting of buildings on Main Street is allowed seasonally, but the language in the Municipal Code and the Land Management Code is inconsistent. The following is the <u>current</u> language:

> <u>*Section 12-4-9 Municipal Code - Sign Code--Illumination*</u>
>
> *(C)* ***<u>SEASONAL</u>****. Strings of lights that outline buildings, building architectural features, and surrounding trees, shall be allowed from the 1st of November through the 15th of April only. These lights shall not flash, blink, or simulate*

motion. These restrictions apply to all zones except residential uses within the HR-1, HR-2, HRL, SF, RM, R-1, RDM, and RD Districts.

*(D) **<u>PROHIBITED LIGHTING</u>**. Lights that flash or move in any manner are prohibited.*

(Amended by ORD. No. 02-50; 05-79)

<u>Section 15-5-5(i) LMC, Chapter 5 Architectural Review</u>

*(13) **SEASONAL DISPLAY OF LIGHTS**. Seasonal restrictions apply to the HCB, GC, LI and HRC zones. Residential Uses in the HR-1, HR-2, E, HRL, SF, RM, R-1, RDM, and RD zones are exempt from these requirements. Winter seasonal displays are permitted from the first of November to the 31st of March. Displays should be turned off at midnight. Any color of lights may be used; however, the lights shall not be used to create advertising messages or signs. Spelling out the name of a Business is prohibited.*

Staff is recommending that the dates and language of both the Municipal Code and the Land Management Code (LMC) be amended to read exactly the same as <u>proposed</u>:

<u>Section 12-4-9 Municipal Code - Sign Code—Illumination</u>

*(C) **SEASONAL DISPLAY OF LIGHTS**. Seasonal restrictions apply to the HCB, GC, LI, and HRC zones. Residential Uses in the HR-1, HR-2, E, HRL, SF, RM, R-1, RDM, and RD zones are exempt from these requirements. Winter seasonal displays are permitted from the 1st of November through the 15th of April only. Displays shall be turned off at <u>2am</u>. These displays may include lights that outline buildings, building architectural features, and surrounding trees, or similar. Any color of lights may be used; however, these lights shall not flash, blink, or simulate motion. Lights may also not be used to create advertising messages, signs, or spell out the name of a business or product.*

<u>Section 15-5-5(i) LMC, Chapter 5 Architectural Review</u>

*(13) **SEASONAL DISPLAY OF LIGHTS.** Seasonal restrictions apply to the HCB, GC, LI, and HRC zones. Residential Uses in the HR-1, HR-2, E, HRL, SF, RM, R-1, RDM, and RD zones are exempt from these requirements. Winter seasonal displays are permitted from the 1st of November through the <u>15th of April</u> only. Displays shall be turned off at <u>2am</u>. These displays may include lights that outline buildings, building architectural features, and surrounding trees, or similar. Any color of lights may be used; however, these lights shall not flash, blink, or simulate motion. Lights may also not be used to create advertising messages, signs, or spell out the name of a business or product.*

The dates have been coordinated and the language made consistent. In addition, staff recommends extending the time the lights may remain on until 2am (instead of midnight) given that most of the businesses (e.g. bars) remain open until that time.
Beyond these Municipal Code and Land Management Code (LMC) discrepancies, is the issue of whether or not the City should allow this "seasonal" lighting to continue year-round. Staff does not believe this would be appropriate on a city-wide scale but has walked historic Main Street and noted that the lighting does provide a unique outdoor ambiance (it appears that many remember it all lit up from the Olympics). A cursory overview of other cities' Main Streets or restaurant rows/entertainment districts reveals that often these areas are lighted in a way to either provide improved ambiance and/or district identification. Staff recommends that the City consider allowing year-round lighting for historic Main Street (within the HRC and HCB zones), but only with an approval via the City's existing Historic District Design Review (HDDR) process. The following Universal Design Guidelines are currently applicable:

> *Universal Guidelines*
> *9. New additions, exterior alterations, or related new construction should not destroy historic materials, features, and spatial relationships that characterize the site or building.*
> *10. New additions and related new construction should be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment could be restored.*
>
> *Design Guidelines for New Construction in Park City's Historic Districts*
> *G. Exterior Lighting.*
> *G.1 Exterior, building-mounted light fixtures should be compatible with the building's style and materials.*
> *G.2 Exterior lighting schemes should complement the overall building and site design.*
> *G.3 Indirect lighting should be used to identify entrances and illuminate signs.*

Beyond this, Staff recommends including the following criteria within Section 15-5-5(i)13 of the Land Management Code, just below the existing Seasonal Lighting section:

> *(A)* ***YEAR-ROUND DISPLAY OF LIGHTS.*** *Historic and Non Historic buildings in the HCB and HRC zoning districts may apply to display lighting year-round subject to an approved Historic District Design Review as outlined in 15-11-12. All requirements as outlined in 15-11-12 must be met, which includes meeting the requirements of the Park City Design Guidelines for Historic Districts and Historic Sites. In addition to these requirements, the following conditions must be met:*
>
> > *(1) Lighting that outlines a building, architectural feature, or similar must be a single strand of clear/soft white lights (if an LED option is available, it should be used). No rope lights are permitted.*
> >
> > *(2) Any lighting that blinks, flashes, or changes intensity is not permitted.*

(3) The wire must match the color of its surroundings, i.e. a dark green or black wire along dark trim, building cladding, or roofing and white wire over white trim.

(4) Light fasteners, including wires, hooks, brackets, staples, and other hardware must be compatible with the building's style and materials.

(5) Lights must be limited to balconies, windows, doors, and outlining of the structure (including trellis or patio areas so long as no new posts/structures are erected).

(6) Lights shall not be used to create advertising messages, signs, or names of buildings or products.

(7) Lights should be turned off no later than 2am.

(8) Only C-6, C-7, C-9, and A-15 lighting is permitted.

(9) All lighting must be reviewed on an annual basis by the property owner (every September/October) to assess the condition of the lighting, wiring, lumens/foot-candles, fasteners, etc. to determine if all products meet safety and structural requirements. A written assessment must be submitted to the Building Department prior to October 31st each year.

(10) The allowance of year-round lighting in the HRC and HCB zones will continue through April 15, 2014. At that time, the Park City Planning Department will assess, on an ongoing basis, any issues that may arise including: negative impacts on the historic district's overall appearance, dark sky implications, complaints by residents/visitors, etc. This assessment will be brought before the City Council for consideration of extending this lighting program beyond the sunset date.

Department Review:
This report has been reviewed by the Planning, Building, Sustainability, Executive, and Legal Departments.

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 Positively Impact?	Increases the lively, festive atmosphere of historic commercial districts, attracting patrons to downtown retailers and restaurants Improves visibility and safety during early winter nights Develops a Strong Sense of Place	Dark Skies ordinances recommend exceptions in commercial districts to maintain vibrancy for consumer.	Promotes community interaction by increasing foot traffic to downtown Demonstrates local pride/interest in historic commercial districts	Supports local business interest to maintain vibrant down town Main Street district year-round.
Which Desired Outcomes might the Recommended Action Negatively Impact?	Ongoing/increased maintenance costs (replacement of burnt out/damaged bulbs and worn parts, as well as temporarily removing lights to do cyclical building maintenance) to be borne by the property owners	Light pollution could negatively impact Dark Skies ordinance. Year-round lights will use additional electricity.	N/A	Denying year-round lighting may negatively impact businesses owners with additional cost of installation and maintenance
Assessment of Overall Impact on Council Priority *(Quality of Life Impact)*	Very Positive **Positive** Neutral Negative Very Negative	Very Positive Positive **Neutral** Negative Very Negative	Very Positive Positive **Neutral** Negative Very Negative	Very Positive **Positive** Neutral Negative Very Negative

Recommendation:

Staff recommends making these changes to create better continuity within the City's codes and to provide an expanded opportunity for businesses on Main Street to increase the vitality of the district.

Consequences of not taking the recommended action:
Continue to allow inconsistencies for seasonal lighting between the Municipal Code and LMC, thus providing conflicting information in terms of the use of seasonal lights. Moreover, the current ordinance does not permit year-round use, yet this ordinance is not enforced. Consequently, many businesses in the HCB and HRC display seasonal lights year-round.

pcrecreation

A higher degree of play

Annual Report

Fy 2012

A higher degree of play

Table of Contents

Recreation & Tennis Department Overview

The Recreation Department is responsible for the operation of the PC MARC, adult and youth recreation programs which include a variety of leagues, clinics, camps and tournaments. The department also coordinates all the field scheduling, park reservations and administers the cemetery.

The Tennis Department is operated out of a separate budget from recreation but they are closely linked in the day to day operation of the departments. The department is responsible for developing and implementing a wide range of tennis programming for both residents and visitors. The department organizes and hosts several tournaments, offers lessons, clinics and socials for all ages.

The department recently completed two recreation studies with Basin Recreation. One was a Recreation Facility Demand Study and the other a Community Interest and Opinion Survey. The next step is to develop a Parks and Recreation Strategic Master Plan. Staff anticipates working with RAB, Basin Recreation and an outside consultant to bring this to fruition in 2013.

The department places a high priority on customer service and works hard to meet the needs of the community with a variety of quality programs. The Community Interest and Opinion Survey indicated a very high level of satisfaction with the department . The same was reinforced when the department was recently recognized with two “Voice of the People Award of Excellence” awards at the International City Managers Association Conference. Communities receiving the Voice of the People Award for Excellence had a service quality rating that was in the top three among all eligible jurisdictions in 2011. To qualify for this award these communities also had to be in the top ten percent among over 500 jurisdictions in the National Research Center database of citizen surveys.

pcrecreation

Mission Statement

Enriching the lives in our community through

exceptional people,

programs and facilities.

Overview: Programs and Events-

An area of focus for our Recreation Supervisors has been to form relationships with local agencies, private businesses and community partners to offer the highest quality recreation programming possible. Our efforts can be seen throughout our youth and adult programs, leagues, tournaments, camps and events. Some of these partnerships, include ReAl Salt Lake and Park City Soccer Club, White Pine Touring, Epic Boardshop, Sports Authority and Skullcandy just to name a few.

We have been fortunate to have a professional staff who are able to work with multiple programs and in multiple capacities. This continues to help in our effort to provide a 'Higher Degree of Play.'

Summer Day Camp

In 2011 our Summer Day Camp was required to become a state-licensed program under Utah Childcare Licensing legislation. This was no small feat, as it required our long-standing program to conform to regulations designed for a childcare program, as opposed to a camp situation. Thanks to some creative and hard work by our Day Camp Director we were able to complete the licensing process in less than 30 days, typically a 90 day process.

In 2012 Day Camp continued to operate as a licensed childcare program, and received compliments from the licensing agency on their exemplary program. Numbers for both daily and weekly campers were up from last year, 10% and 58% respectively. In an end-of-camp survey over 80% of parents rated their interaction with camp staff as Exceeds Expectations. Day Camp continues to have the lowest staff turnover rate of any recreation program, with several counselors working their 8th or 9th summers with us. Summer Day Camp is one of the highest quality, most popular and lucrative programs we run.

Youth Soccer

Soccer has been one of the most important and fastest-growing youth sports in Park City for several years. One of the unique and important facets of our soccer programs is the partnerships we share with ReAL Salt Lake and Park City Soccer Club (local competitive club). By working together, we are able to better develop young soccer players that are prepared to compete at a competitive level when they reach the appropriate age.

Soccer, cont'd.

This process begins with our youngest players, ages 3-5 years that are introduced to the sport in our Start Smart Soccer Program. Start Smart is a program created by the National Alliance for Youth Sports to present young children with the skills they need to participate in sports through a no-pressure, comfortable learning environment. The next step is the Spring Youth Soccer League, for players 4 – 10 years, which serves as their first skill-building and league play experience. For those that don't wish to move on to competitive soccer after the recreational league, we offer Match Mix-Up for 11-15 year olds. This is a recreational, all-fun program that allows kids to participate in soccer without the commitment and pressure of a competitive league.

ReAl Salt Lake plays an important role in these programs by running coaching clinics to help our volunteer coaches run a successful season. Additionally, Park City Soccer Club offers player's clinics where volunteers can observe national-level certified coaches run players through drills and games, and the kids get exposed to high level coaching even in a recreational program.

In 2012 our Start Smart Soccer Programs reached capacity with 55 participants Spring Youth Soccer League continued to see growth, with about 30 more participants over 2011, and Match Mix-Up also increased 10%.

Skate Park Events

From May through August we continue to run our five Park City Recreation hosted skateboard competitions. These consist of two Friday Skate Jams in May and the Summer Skate Series which is held the last Saturday of June, July and August. Our competitions draw skaters from all over the state as well as those who have come through our skateboard clinics. We offer six categories to allow all to participate. We have beginner, intermediate and advanced street divisions, a girl's street division, open bowl and beginner bowls. We partnered with Epic Boardshop as the local concessionaire to take pre-registration and help with the prizes. We have great support for other local sponsors as well. In addition to our standard skate events, we partnered with Sundance and the Kimball Arts Center to run a free skateboard competition on the opening night of Art's Festival. It featured skateboard legend Stacey Peralta, live art and then a free screening of his Sundance 2012 documentary film, *Bones Brigade: An Autobiography* in City Park. The event was great with over 300 people in attendance.

Skateboard Camp

As with previous summers, we offer skateboard camp each week the kids are out of school. In 2011, we began a new addition to our camp program which included offering beginner only classes which are only an hour long instead of two hours. We followed that camp with a two hour intermediate level camp. We offered these camps again this year and they gained popularity over last year filling three weeks of beginner camps as opposed to only two in 2011. Overall camper numbers decreased this year by 28%. My sense was that people were more conservative this year for economic reasons. There also seemed to be fewer skate park users at the beginning of summer both during camp and open hours. Throughout the summer however, we had last minute registrations which increased the number of campers as we went as well as an increased number of requests for private lessons.

Adventure Camp

Due to the popularity of this program over the last few years, we have increased the number of weeks it is offered. In 2011 and 2012 we increased the number of weeks to five. Building some new public/private partnerships we were able to incorporate some new activities to spice up the offering since we have many children who repeat this camp every year. Partnerships included sailing with Park City Sailing Association, luge with Jon Owens of US Luge Association, archery through the NAC, horseback riding with Red Pine Touring and paddleboarding with Park City Yoga Adventures. We still include the ropes course at NAC, water ramps at the UOP, hiking and mountain biking. The weeks are mixed so that there is a different offering during alternate weeks. With full use of one van and a car, we are still limited in the number of campers we can take and we still have waitlists for this camp during certain weeks of summer. For the future, we are considering additional weeks to accommodate more children.

Youth Scholarship & Fee Reduction Program

Park City Recreation is pleased to provide scholarships and reduced fees to families of Western Summit County that have limited financial means. Through a simple application process we receive youth into the fee reduction program based on their enrollment in school lunch program. The majority of scholarships are granted in the summer.

The discount offered in this program is 70% off the regular fee for the first child, 75% for the second child and 80% each additional child.

For the summer of 2012 we enrolled 30 families with over 50 participants. Youth programs offered are summer camp, swim lessons, soccer league, adventure camps and tennis camps. Summer camp has the majority of participants.

The department granted $18,500 in scholarships during this past summer.

Holy Cross Ministries - Tennis program

The Tennis Department reaches out to kids in the community through Holy Cross Ministries summer and afterschool programs.

Our Tennis Pros taught approximately 20 kids four times each week for 6 weeks this summer at the PC MARC. In addition, we taught 75 kids once a month during the school year where Tennis Pros went to Parley's Elementary as part of their after school program and set up nets and provided racquets where they learned to play tennis in the gym.

These programs are offered at no cost to the participants. The tennis pros are compensated for their time which cost the City about $2,500 a year. If the participants were charged our regular fees it would be $10,000 in additional revenue.

Donations

Park City Recreation can now accept donations for the youth recreation scholarship fund to help support programs. We will be gently promoting this donation opportunity in Spring 2013 when we take in the majority of registration for Summer programs but donations can be accepted anytime.

Adult Softball

Adult Softball continues to be our largest adult program. In 2011, we had 51 teams in 6 leagues. The leagues predominantly play at the City Park with additional games played at the Park City Sports Complex (PCSC). Games are played from 6 p.m. to 10 p.m. so fields must have lights. In addition, the fields at PCSC must have portable fencing for softball. In order to meet the increased demand for softball this past summer we offered an additional coed league on Tuesday nights giving us five coed leagues and two men's leagues. This past summer the total teams participating increased to 53. The brand new league consisted of seven teams of which four were first year teams. Team rosters are limited to 20 players with coed teams averaging 18 players and 15 on the men's teams. We have approximately 900 participants playing softball in Park City with 684 playing coed softball and another 225 participants playing men's softball.

Adult Basketball

The basketball league has remained consistent year to year even with being moved to Treasure Mountain Junior High School for the whole season in 2009 & 2010 due to our renovation. We have had an average of 8 teams over the past three years with 1-2 being brand new each season. Gym space is at a premium between school sports, and other youth and adult programs making it difficult for the league to grow. We continue to use creative scheduling and occasional use of school gyms in an effort to accommodate all that want to participate.

Flag Football

In 2010 we started an Adult Coed Flag Football league with five teams in the league. Since then we have increased our league registration to nine teams for 2012. In this program alone we have increased our revenue by 45% from its inception and in future years look to add an additional night to serve more teams in this league.

Kickball League

The adult kickball league continues to be our largest adult league played on a single night, with 14 teams participating in 2012. This equates to approximately 240 residents participating in the league. Revenue increased 8% over 2011.

Our recreational kickball league is an excellent example of how Park City Recreation programs contribute to the Council goal of "Keeping Park City, Park City". Wednesday nights at the Park City Sports Complex during the fall season are a blur of activity, with costumed kickball players socializing long before and after their game times. Without a doubt, kickball draws more spectators than any other league, meaning there is often 80+ players, fans and their dogs around at any given time.

Dirt Jump Park

Utilizing the newly rebuilt and world class Dirt Jump Park, we offered six sessions of instructional mountain/bmx dirt jump clinics for both youth and adult. With the help of professional mountain bikers and top local riders, this summer program continues to be a hit. The participants learn the needed skills to jump as well as the importance of taking ownership of the park. In addition to our clinics, we hosted our sixth annual 'Dirt Jump Jam'. We had great support from the bike industry and local companies who sponsored this free event. With their support we able to give the community a great day meeting and riding with top professionals. We had over 350 people in attendance.

First Aid/CPR Classes

In response to an increase in cost to certify staff in CPR & First Aid, two of our Recreation Supervisors completed a course to become certified instructors in CPR, First Aid & AED. We are now able to offer classes to accommodate our peak times (i.e. right before summer begins), as well as certify our staff for a fraction of the cost. By offering the classes to the public we are able to cover the hard costs, making it much more fiscally efficient to certify staff in-house. As of July, 2012 we have certified 70+ participants to save a life!

Park City M.O.B.

The Park City M.O.B. (Moms on Bikes) group grew out of a wish to offer recreational programs for everyone in our community. Seeing a need for programs where moms could utilize the PC MARC childcare, weekly mountain bike rides were offered. These rides are marketed as being “for moms, led by moms” and the response has been terrific. Surprisingly, the childcare component is used infrequently. Instead, the attraction seems to be a no-pressure group where ladies can meet riders of similar level and enjoy an outdoor sport they may have given up for a while. The program utilizes local trails so that participants become familiar with the trail network and eventually feel comfortable riding on their own.

Mountain Bike Clinics

A natural extension of the Park City M.O.B. group was the new women-only mountain biking skills clinics that we began with one session in 2011. Again in 2012 we planned to offer one session, but due to demand ended up running three separate sessions, all of which sold out and had a waitlist. We accommodated as many women in the clinics as possible, and already have a list of interested participants for 2013.

The Future- New Programs

We continually look for opportunities to provide new and creative offerings both in our facility and at our different venues. We do this by our involvement in local, state and national associations and through our program audits, surveys, social media and recommendations.

We have created partnerships and opportunities that complement what we have in place and the specialties we don’t offer. For example, Stretch and Grow offers programming for the youngest age groups (18 months to 3 years of age) by instructors with expertise in that area. In an effort to provide new and unique offerings, Park City Fencing offers lessons in our gymnasium. By our partnerships with these types of entities, we are able to maximize use of our facility while complementing our array of activities.

Cemetery

The cemetery records are being researched carefully prior to input into the software database. Recreation staff with the help of parks staff have reviewed paper records while walking the cemetery grounds to verify accuracy. With this project complete, records are being input into computer software with the end result that our cemetery records will be available online for public viewing and research.

This past summer our parks crew assessed the monuments in our cemetery for safety concerns. Eighty five monuments were determined to need repair to prevent then falling and breaking. Of those 85, 25 have been repaired by Hans Monument at a cost of $2,400. The plan is to try and have all 85 repaired prior to winter. There are a number of monuments still needing pins (they are unstable or broken) so they have been laid down at their sites for safety reasons. Beside the monument repair one hundred sixty five monuments have been leveled under the direction of parks.

At this time, there are about 200 plots available to City residents for purchase within the east end of the cemetery. No plots are available for sale in the older sections.

After a proposal by the Recreation Advisory Board, Council has approved the development of a memorial wall to be built near the gazebo. The wall will allow 400 plaques to be sold and mounted on wall sections. Staff is currently considering policies and procedures for sales, pricing and installation of plaques.

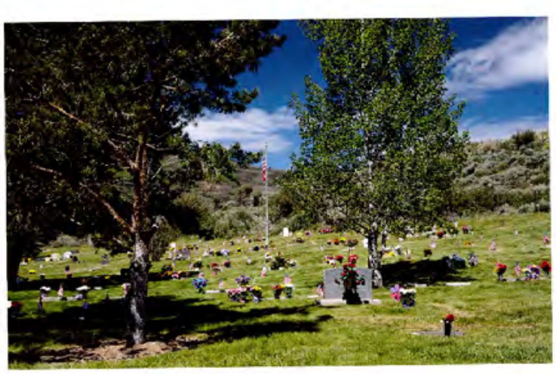


Photo by Jim Carvales

Parks Reservations

The City rents out Rotary Park and the pavilion on the south end of City Park for private group functions. Rentals are based on half or full day rentals, and are available May 1st thru October 15th; reservations can be made as early as January 1st of the same year.

The South End Pavilion is perfect for your family or business gathering. It includes a pavilion with picnic benches and a huge charcoal BBQ & griddle. City Park has large amounts of open lawn space, a softball diamond, volleyball, tennis and basketball courts, state of the art skatepark as well as a playground. The South End Pavilion can be reserved for up to 75 people.

Tucked back within the Thaynes Canyon neighborhood, Rotary Park is located at the end of Pay Day Drive. An array of flowers border the pavilion which is set among aspens and a creek just beyond the park. Picnic tables, BBQ grills and a newly remodeled serving area along with a large grass space makes for a great family gathering location. Parking is very limited. Rotary Park can be reserved for up to 75 people.
Fees for the park are as follows:

Reservation Rates for South End City Park and Rotary Park

	½ Day	Full Day
Park City School Dis-	**$50.00**	**$85.00**
Non-Residents / Com-	**$125.00**	**$200.00**

The Rotary Club in conjunction with the City made improvements to the Rotary Park that were available for the 2012 season, resulting in a great increase of reservations made at the park.

	SOUTH END PARK		ROTARY PARK	
	Private	Special Event	Private	Special Event
2008	60	11	56	0
2009	53	15	70	1
2010	42	14	37	0
2011	54	13	57	0
2012	58	11	71	0

Though numbers are about the same for City Park, this summer every weekend in July and August were booked for the full day in both City and Rotary Parks, meaning you need to plan far in advance if you want a park on a summer weekend.

Facility Reservations

There are several facets involved with field reservations so we've broken them into various categories.

Recreation Programs: Recreation programs administered by Park City Recreation and those joint programs administered by Basin Recreation take priority on fields over all other events except school functions on school fields. All recreation programs scheduled are assigned the field most appropriate for the type of sport. Once these programs are scheduled facilities become available for others to use.

Stakeholders: In order for these groups to be considered a stakeholder, the group must be made up of 75% or more of Park City School District residents. They are usually a group of teams affiliated with a particular competitive sport. The recreation department reserves fields for both practices and games. Each team pays a seasonal fee twice a year (spring and fall). The fee in 2011 was $150 per team; beginning Fall 2012 the fee went up to $200 per team. Park City collects the fee in Spring and Basin Recreation collects the Fall fee. Basin Recreation and Park City Recreation work together using all field resources in the school district to assign field space to these groups.

Special Events: If a special event has a need for field space, the Special Events Department works with Recreation on the scheduling. The scheduling of special events has improved this year due to special events staff gaining access to the facility booking software that recreation uses. Special events sometimes bump time normally used by recreation programs or stakeholder's but these events are usually booked far enough in advance that we are able to schedule around them. Also, for 2012, all known event dates were booked into the system for the full year to alleviate potential conflicts.

Challenges: There are some distinct challenges to scheduling the fields we have for all the users interested in using them.

1. One is that we still don't have enough fields to accommodate all users to have dedicated practice space as well as home game space.

2. We have three fields with lights which are heavily used for adult programs and stacking of youth games. The availability of more lit fields would be very helpful in allowing more evening play.

3. Schedule: the schedule of play on each field sometimes changes daily. It is difficult for the community to know what is happening or where a field might be open since the schedule is not visible online.

4. Many teams practice during their "off" season. We sometimes run into issues with the number of teams needing space and have to resort to prioritizing by "in" season vs out of season. Games always supersede practices.

Facility Reservations, cont'd.

5. During spring, with many fields too wet to allow practice or games, we are limited to one field (PCSC Sportexe/field C). For two winters ('10, '11) our parks crews have cleared snow off the Sportexe to give our stakeholders the ability to practice on a field from mid-February until we have dry grass. For spring 2013, we will have an additional field to schedule with the opening of Matt Knoop Park in the Basin.

The demand for fields continues to increase as more club sports and teams are added as well as the demand created by increased recreational sports and teams. Currently there are a total of 91 adult recreational teams that participate in soccer, flag football, softball and kickball. In addition to these teams fields are also used by 10 club sports that have a total of 52 teams that include, soccer, lacrosse, rugby, football and baseball .

In addition to the use outlined above the fields are also used heavily by youth recreational leagues that include a fall & spring soccer league, baseball and softball.

Overview

The opening of the PC MARC in December of 2011 brought with it an enormous amount of excitement to the tennis community. The new tennis courts, new Tennis Director, new Pro Shop and a renewed sense of purpose among the staff, brought a sense of rebirth to the tennis community. Tennis is soaring with participation from adults, youths and beginners at an all-time high.

Youth Tennis

Through efficient court usage (utilizing the USTA 10 & under special lined courts), and additional programming, our junior programs have grown extensively.

The 10 & under lines on courts 3 and 4 of the indoor facility have allowed the staff to place 24 junior players on 4 “mini” courts. This has lead to a uniformity in teaching styles and an “energy” that comes with having kids and siblings in close proximity and parents able to watch all their children learn and enjoy themselves all on the same court. By reducing a tennis court size for 6–8 year olds , we make the learning environment more comfortable and the kids experience success faster. We also instituted our unique “Balloon Tennis” program to encourage kids 3-5 to experience tennis and begin forming the basics that will make them successful tennis players as they get older.

Junior Tennis

The PC Tennis Program has seen a remarkable uptick in junior play (ages 11-17). At an age when most children have chosen a sport to concentrate on and tennis begins to lose players to team sports, we have experienced the opposite. Several new players have come to learn tennis at the MARC and have begun to enjoy success in playing, despite having started “late.”

Over the past year, the junior program itself has evolved into a more focused and directed product. We have established a young group of players that have committed to playing in tennis tournaments and preparing to play tennis year-round, with the goal of taking their tennis to increasing levels. With the success of the Park City High School Boys and Girls Tennis Teams (State Champions and State Runners-up, respectively.) we believe that junior tennis in Park City will continue to grow and flourish over the next several years and that that success will continue to bring the talented juniors of Park City out to the tennis courts.

Our junior registration numbers for the fall 2012 session have grown approximately 60% from 110 registrations in 2011 to our current 180 registrations. Our summer programming also grew – with 949 daily registrations as compared to 690 from the year 2011. This represents a 37% increase from 2011.

National and Sectional Tournaments

The PC MARC currently hosts 8 tournaments per year. Three of these tournaments are National Championships: The Men's 45s Indoors, the Men's 40s Indoors and the Girls 14s. The 40's and 45's tournaments attract the very best recreational and former ATP Tour players in the country. The Girl's 14's bring young ladies from Florida to California to play at the PC MARC. Our additional 3 junior events have gained in importance, due to the increase in entries over the past year. The Pumpkin Warm-up Tourney event for 2013 will become a Level 2 event after spending several years as a level 4, due to the over 200 entries the 2012 edition received. The St. Paddy's Tournament will also move up to a Level 3. The Labor Day and Adult Doubles were solid performers this past year after few seasons without courts. We expect many more participants next year.

The Summit County Restaurant Tax board was impressed enough with our growth and outlook over the next year that they awarded PC Tennis with an $8,000.00 grant that we applied for, to use as prize monies for the Men's Nationals events.

Wheelchair Tennis

Park City Tennis is becoming an active hub in the Wheelchair Tennis Community. With our new tennis center being the best around for facilitating players from car to court, we are excited to host upcoming wheelchair tennis events in the Intermountain Section.

Adult Tennis

The adult programs have also increased. PC Tennis hosted 32 league teams for the year 2011. We are on track to host 42 teams by end of 2012, a 31% increase. Our clinic offerings have increased from 16 to 23 clinics offered per week – a 44% increase. Court usage has also shown steady growth. Prime-time indoor usage for the month of February increased from 61% in 2010 (when we last had 7 indoor courts) to 74% in February of 2012. Other months of the indoor season show the same percentage increase.

Pro Shop

This retail shop located within the PC MARC re-opened last December with excellent sales. We have exceeded our goal of $350/day in sales for every month we have been open. We have been named a Key Account by the World #1 Rackets and String Manufacturer, Babolat, due to our extremely strong sales in the Intermountain section. We have brought in several lines of clothing, such as FILA and Pure Lime that are not carried by other tennis Pro Shops in the Salt Lake area. The shop offers a variety of women's apparel including fitness and yoga. Tennis hardware and software are also available for all brands and as well as racquet stringing. PC MARC and PC Tennis logo wear is also available from hats, to socks, to men's and women's apparel. Sales have exceeded the goal of 20% profit margin for each month we have been open.

The Future

The seven outdoor courts at the PC MARC are currently the next focus for replacement. The outdoor courts were built in the early 70's and are asphalt based. The courts have significant cracks that can no longer be repaired. The fencing surrounding the courts also needs to be replaced as it is barely staying upright.

The plan for the rebuilt courts includes adding a three foot wall around the three center courts that currently are covered by the bubble in the winter. This will allow for easier snow removal around the bubble as well as extend the life of the bubble. The plan also includes adding one 60 foot junior court and two U10 courts on the western edge of the property. This will free up full size courts for use by others.

The City received a $450,000 RAP Tax Grant for the replacement of the courts and has completed a grant request for the United States Tennis Association (USTA) Public Assistance Program. We received $25,000 from the USTA for the indoor courts and hope to receive additional funding for the outdoor courts. Currently there is not enough funding to complete the project but staff hopes to receive the needed funds through this year's budget process. If funding is granted we anticipate the project beginning in August 2013 and being complete by October 2013.

With the completion of the outdoor court renovation, the PC MARC will take its place as one of the best tennis facilities in Utah as well as one of the preeminent mountain town tennis facilities in the nation.

Tennis Budget: The tennis expense budget includes all direct expenses related to tennis. It doesn't include several indirect costs that are covered in the recreation budget such as front desk staff. The growth in tennis at the PC MARC has been exceptional since the facility opened. Staff anticipates continued growth in the sport and the facility being a major tournament destination in the intermountain region.

Direct Tennis Expense & Revenue 2007 thru 2012

FY	Expenses	Revenues	Subsidy	% Cost Recovery	Expense/Revenue Ratio
2007	$476,019	$578,979	-$102,960	121.63%	$0.82
2008	$516,750	$617,255	-$100,505	119.45%	$0.84
2009	$563,586	$657,202	-$93,616	116.61%	$0.86
2010	$524,553	$578,652	-$54,099	110.31%	$0.91
2011	$497,527	$393,788	$103,739	79.15%	$1.26
2012	$561,579	$636,455	-$74,876	113.33%	$0.88

Park City Municipal Athletic & Recreation Center (PC MARC)

The PC MARC opened to the public on December 30, 2011 after an extensive renovation. The facility has been well received by the community & visitors. One of the goals of the renovation was to make the facility more accessible to the whole community and ultimately create a community gathering place for residents and visitors. It has been very satisfying to see this vision come to fruition. It is great to see patrons lounging in the lobby watching the activity on the tennis courts while kids are playing in the game room or climbing in the bouldering area. We currently have more user diversity than we ever had at the Racquet Club.

When we opened the PC MARC we changed our facility pass offerings to be more flexible allowing individuals to purchase a pass that included fitness classes or a pass that didn't. We also offered for the first time Senior/ Military passes as well as youth passes and punch cards. Despite the facility not opening till half way through the fiscal year we sold the most passes and generated the most revenue ever through pass sales.

Passes Sold at the Racquet Club FY 07 - 11

	FY07		FY08		FY09		FY10		FY11	
Pass Plan	**# Sold**	**Revenue**	**# Sold**	**Revenue**	**# Sold**	**Revenue**	**# Sold**	**Revenue**	**# Sold**	**Revenue**
10 Punch	528	$29,623	611	$34,018	710	$39,567	615	$37,646	371	$22,113
10 Punch visitor	4	$265	14	$1,330	7	$490	6	$470	5	$380
1 month single	362	$17,610	518	$24,962	635	$29,760	549	$27,040	291	$14,774
3 month single	182	$19,969	204	$22,656	268	$30,001	274	$32,713	158	$19,316
6 month single	164	$30,048	206	$38,446	210	$39,245	169	$34,389	69	$14,641
12 month single	53	$17,164	75	$24,390	80	$24,177	54	$17,267	33	$11,475
1 month couple	205	$9,257	166	$7,299	197	$8,567	166	$7,697	103	$4,745
3 month couple	103	$9,869	145	$14,830	153	$15,472	132	$14,345	109	$11,603
6 month couple	71	$13,345	103	$17,547	154	$26,243	118	$21,308	81	$15,168
12 month couple	76	$21,030	92	$26,772	92	$27,432	60	$18,822	29	$9,826
Fitness pass visitor	8	$525	12	$874	8	$600	3	$225	7	$534
2 month special									140	$7,555
Total	**1756**	**$168,704**	**2146**	**$213,122**	**2514**	**$241,553**	**2146**	**$211,920**	**1396**	**$132,129**

Passes Sold at Racquet Club & PC MARC FY 12

	FY 12	
Pass Plan	**# Sold**	**Revenue**
10 Punch Adult	847	$65,468
10 Punch Senior	89	$7,048
10 Punch Junior	304	$9,477
10 Punch visitor	9	$810
Sr Military No Classes	110	$11,226
Sr Military with Classes	54	$10,707
Fitness Pass Youth	194	$10,094
Fitness Pass No Classes	1,768	$141,429
Fitness Pass with Classes	635	$112,778
MARC Passes	83	$67,328
Fitness Pass Visitor	3	$270
Total	**4,096**	**$436,635**

Group Fitness

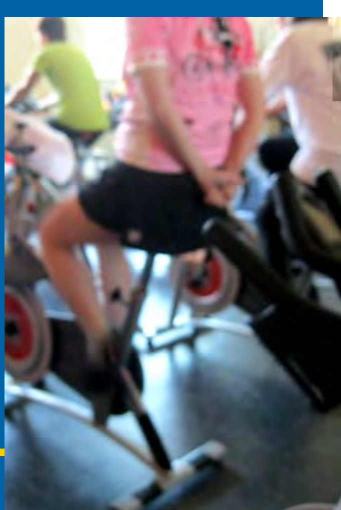
With the opening of the PC MARC patrons now enjoy three exercise studios allowing us to increase our group fitness class offerings from 52 classes a week during the peak (winter / spin) season in 2011, to the current of 74+ classes a week during peak times. With the large increase in number of classes we have not only been able to meet our minimum goal of 6 participants per class, the average in 2011, but have greatly surpassed it with an overall average of 10+ per class for 2012. Additional classes have been influenced by patron request and current fitness trends. Some of the new classes include additional Zumba, TRX, senior fitness, Fitness walking with poles, Fast and Furious, and others that conform to trends and our patron's busy schedules.

In order to allow patrons to get a pass that meets their personal needs we added an optional "class pass" add on. This additional pass allows limitless class attendance. Since the opening of the PC MARC 771 passes have included the class pass add on, with an additional 940 punch passes that also include classes.

One of the three studios is dedicated to spin classes. Currently we have 16 spinning bikes; due to popular full classes and the frequent patrons being turned away we have increased the number of the bikes to 25. Twenty of the bikes have monitors showing the rider's RPM's.

With the increase in space we have not only been able to increase the number of classes, but have been able to open our doors to professional certifications. We have hosted a TRX certification, and are scheduled to host group and personal training courses in the spring 2013.

We currently have a group fitness staff of 40 instructors, ranging from Spin to TRX, to Yoga and Zumba. The majority of our instructors are certified to teach multiple classes allowing great flexibility and teamwork within the schedule.



New Equipment

We were able to move into the new facility with over $98,000 in new equipment. Our overall usage has been great and we are moving forward with additional equipment as part of our capital 'Equipment Replacement' line. We have replaced two incline trainers, row machine, smith machine, new circuit machines and additionally have added more weight plates. The highlights have been our purchase of inclusive equipment allowing the able and non-able body to get functional resistance training. From our TRX system, NUstep and hand cycle and cable machines, we are setting the bar for community fitness and wellness.

Aquatics

The aquatics program has continued to be a leader in the community, even with a break during the construction. Now with the new building, we offered a wide variety of programming for the spring and summer months. We had youth swim lessons, swim team, adaptive swim lessons, synchronized swimming, adult coached swim and our Aquafit water aerobics classes. We also hosted the Special Olympics Polar Plunge and are moving forward with future plans for their next event. From May through August we offered seven sessions of swim lessons with a total of 122 different classes, two swim team programs and hosted the area championship swim meet.

We had a 12% increase with 422 children participating in group lessons in comparison to our 374 total before the renovation in 2010. We also conducted over 120 private lessons as well and 77 adaptive swim lessons with the National Ability Center. Our swim team program was down from our 2010 team, however, we are anticipating our numbers to be similar for 2013 as we rebuild this program after a full season without a team.

We worked with multiple groups as an aquatic destination for their summer programs. These groups include our own Day and Adventure Camp groups, the National Ability Center, Utah Olympic Park, McPolin Elementary, Basin Recreation, Holy Cross Ministries, Young Riders and the Deer Valley Kid's Camp. Overall our first full season of aquatics at the PC MARC was a success.

Gymnasium

The gymnasium was the only area of the previous Racquet Club that was not torn down during the remodel, so it was important to make improvements that would keep the facility in line with the rest of the PC MARC. Initial painting of the walls and re-surfacing and repair of the floor took place soon after the PC MARC opened. We were pleased to be awarded $15,000 through the RAP tax grant process that will allow us to replace the existing backboards with new, glass versions and install a divider curtain.

One of the reasons a divider curtain is becoming more important is that renting of the gymnasium during off-peak times has become a priority. We currently have contracts with two local businesses that rent half the gym during weekdays and after school hours, and we continue to research other options for accommodating local partners that will enhance our recreation offerings, as well as generate a revenue component when the gymnasium is not being used for typical programs such as drop-in basketball and league play.

Personal Training

The MARC's personal training staff has remained the same from our former Racquet Club with the addition of seven independent personal trainers. Under their professional services contract, these individuals pay the MARC for using the facility with their clients and are also required to have a facility pass and or pay the daily rate in addition to their rental fees. This has been a positive move as we have increased our revenue in personal training fees by 34% from FY 2011's $6,983 to FY 2012's $10,481. Our projection is for this to continue to increase as we move forward. By having these contractors, we have increased our service offering without the expense of increased staffing.

Wellness

As wellness extends beyond the realm of physical fitness, we opened our facility as a wellness and fitness center. We have held three Wellness Events, heath fair, 5k fun run, monthly 'Lunch and Learn' lectures, free BMI and blood pressure screenings, flu shots for the community and much more. With a focus on awareness, we have partnered with local health and wellness experts to speak, give assessments and screenings on topics such as nutrition, healthy habits, family health, body and it's motion and more. We have instituted wellness and physical fitness challenges with city staff and are working to develop additional wellness seminars, activities and events as we look to the future.

Corporate Wellness

In an effort to be an affordable option for those that work in Park City we have developed a Corporate Wellness program. Local businesses can enroll in this program as a benefit to their employees. There is no cost to the organization and their current employees receive a 10% discount off the facility passes. We currently have 30 organizations enrolled.

Childcare

The PC MARC Childcare center is a valued amenity for many of our patrons. The center operates Monday through Friday, and in an effort to accommodate our patrons even better we have recently added Saturday morning hours. Childcare currently accommodates 175 children per month, playing on the climbing wall, doing art projects and meeting new friends while mom or dad get a workout in. All staff are certified in CPR, First Aid, and Food Handlers and provide a welcoming environment.

Party Room

Another amenity we offer that is new to the facility after the remodel is our party room. Although the room was mainly intended to be used for children's birthday parties, we have seen a great demand for use as a lecture site, meeting space, and luncheon spot.

Details on usage include:

30 Birthdays booked since opening in January 2012 –Average Birthday party is $100

Monthly Arts Kids non-profit meetings - (Monday Nights)

Monthly Lunch & Learn – (Wednesdays at noon) Wellness Program

Weekly Nutrition Meetings –(Tuesdays at noon) Audrey Lee

Weekly Weight Watchers Meetings – (Thursdays from 5:30pm-7:30pm)
6 month-indefinite contract signed for $400 per month

CPR/First Aid classes

Education classes such as LIFO

Has been used as a meeting space, though rentals are difficult to book due to lack of wireless service

Staff meetings

Tennis –adult, regional and national tennis tournaments-tennis socials-high school matches and tournaments

A higher degree of play!

With the excitement of the renovation of the Racquet club, the idea of re-naming the facility seemed a natural concept. The Racquet Club name was confusing as people thought it was a private club and offered racquet ball, tennis, and a few other amenities. We wanted to embrace the idea of a community recreation center and have the PC MARC be the community gathering place for City residents and its visitors.

The success of our new name and branding has been graciously accepted within the community. There are still residents who will always call it the Racquet Club but that will keep our history alive. The new name and brand identity are innovative and clever with the use of an acronym and the creativity of the recreation ring. Immediate brand recognition resulted with the initial reveal of our new image at the Labor Day parade prior to our build-up of the Grand Opening and all of the excitement that the marketing committee created to deliver the new facility and its new name and branding. There have been other highly accepted and successful name changes in the Park City area. The Park City Handicap Sports was renamed to the National Ability Center and another great example, one of the City's own, is the Park City Library and Education Center which was previously named the Carl Winter's Building. These new names, like the PC MARC, works much better for the community and visitors to recognize the use and purpose of the facility thru its name.

The new brand identity for the PC Recreation, which includes PC MARC, Tennis, Recreation, Aquatics, Parks & Fields, and community events, has also brought awareness to the community that we provide exceptional, high quality programs. This is particularly important to the marketing team because Park City Recreation has always delivered a higher level of programming among programs and facility. Our new branding image gets us there through publications, advertising and even daily notifications around the facility are in a professional recognizable look.

Play Magazine

The recent recreation survey completed by Leisure Vision in 2012 clearly showed that our number one marketing tool is the Play Magazine. This paper publication is delivered to all households in the City and Western Summit County. It has been recognized through the years as the centerpiece of all things recreation. This publication provides programs and events for the PC MARC, tennis, recreation, ice arena, library, golf, and parks reservations. It truly gives a comprehensive tool for the recreational programs offered.

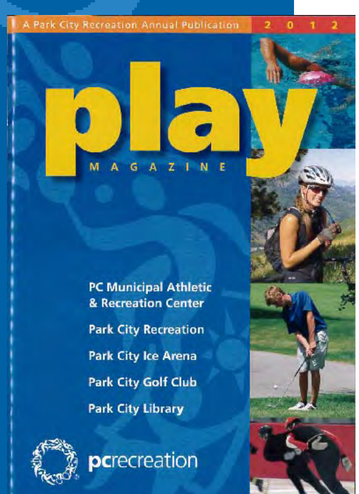
Rack Card

Our new rack card will be distributed in over 81 racks placed around Park City, Summit County and parts of Wasatch County. Typically 10 – 12K brochures are picked up over 12 months which mainly targets our visitor market. This ½ page piece will help drive the visitors to our facility and showcase its amenities.

Website

The City website drives visitors to the park city recreation and tennis pages. The marketing committee targets residents and visitors to directly visit our pages and further drives them to register for all recreation programs including tennis online. The results of online registration has dramatically decreased since its inception because the process continues to become more cumbersome and time consuming for, recreation leagues and tennis programs as well as ice programs. Fiscal Year Front Desk registrations are 85.2% while online registrations are only 14.8%. Therefore, Recreation and Ice staff are in the early stages of researching alternative options for software and stand-alone website. The goal is to streamline and create a more user friendly and seamless process. Following are visits to the City's website and our pages.

July 1 2011 – June 30, 2012, overall ParkCity.org site visits were 1,452,338 and Parkcityrecreation.org was 590,076, 40.6% of City visits.



Joint Marketing

Strategies used to increase exposure to the local community and visitors are done through internal and external marketing. Collaboration with other Park City departments is resourceful and cost-effective. Park City Recreation works closely with the Ice Arena, Golf Club, and Library to cross promote program offerings, and take advantage of any joint marketing opportunities. The Play Magazine, Mountain Express ad, and department flyers with the joint banner as shown on the bottom of this page are just some examples.

Other marketing

Mountain Express Magazine: This magazine is continually re-stocked in the majority of hotel rooms and effectively reaches out to visitors. Activities offered at the PC MARC or recreation programs are advertised. The is a joint ad with the Ice Arena.

Local Media: We greatly utilize the nonprofit benefits we receive through the Park Record & KPCW. Public Service announcements on KPCW and sports briefs in the Park Record are our main marketing resource. We also record radio commercials, written in-house. The Chamber Bureau is another free means of getting events, programs and specials promoted.

Social Media: This is the forefront of marketing and reaching target groups well beyond our other normal marketing efforts. You can find pcrecreation on Facebook and Twitter. Our winter 2012 marketing efforts are quickly moving into digital ad networking. Working from mobile platforms we can target our audience and reach out to tens-of-thousands around the country through targeted display ads, and more.

Constant Contact Newsletter: Important news on upcoming events or programs are sent via e-mail notifications. These blasts are sent out on as needed basis. When patrons receive a notification they know it is worth looking at. We have 2,509 current contacts and our opens are very impressive. Notification results:

Sports & Recreation	Opens	Bounces (undeliverable or spam)	Click Thru
Pc recreation (32555)	34.7%	14.3%	12.4%
Industry Average	18.7%	9.0%	11.4%

A higher degree of play

Recreation Budget Overview

For discussion purposes with regard to the Recreation Budget we are focusing only on the direct expenses and revenue generated from recreation, tennis, PC MARC & cemetery. The true cost of operating recreation is higher due to the overhead of the PC MARC and recreational facilities that are used to operate the programs. These costs are covered in other City Department budgets.

Recreation & Tennis Budgets Combined

	Expenses	Revenues	Subsidy	% Cost Recovery
FY 2007	$1,725,559	$1,272,271	$453,288	73.73%
FY 2008	$1,835,158	$1,291,716	$543,441	70.39%
FY 2009	$1,864,853	$1,373,186	$491,666	73.64%
FY 2010	$1,861,865	$1,230,465	$581,128	61.98%
FY 2011	$1,757,857	$854,511	$903,346	48.61%
FY 2012	$2,016,911	$1,442.907	$574,003	71.54%

If we take a closer look at the finances for FY 12 by breaking the year into two periods (July thru December 2011 and January to June 2012) you can see the impact the opening of the PC MARC has had on our revenues and expenses for the combined budgets of Recreation & Tennis.

	July to December 2011	January to June 2012
Revenues	$405,137	$1,037,770
Expenses	$907,212	$1,109,698
Subsidy	$502,076	$71,927
% of Cost Recovery	44.66%	93.52%

Recreation Budget Overview, cont'd.

If you were to break it down even further and look at the Recreation & Tennis Budgets separately it would look like this:

	July to December 2011	January to June 2012	Total FY 12
Recreation Revenue	$200,472	$605,981	$806,452
Recreation Expense	$672,111	$783,219	$1,455,331
Subsidy	$471,639	$177,238	$648,878
% of Cost Recovery	29.83%	77.37%	55.41%

	July to December 2011	January to June 2012	Total FY 12
Tennis Revenue	$204,665	$431,790	$636,455
Tennis Expense	$235,100	$326,477	$561,579
Subsidy	$30,435	($105,313)	($74,875)
% of Cost Recovery	87.05%	132.26%	113.33%

Historically the majority of the revenue associated with recreation comes in the second half of the year but even taking this into account the growth in revenue is impressive. This is due to the large number of registrations that are taken for summer programs beginning on April 1. As you can see in the chart above growth in revenue has outpaced the growth in expenses once the PC MARC opened.

PARK CITY COUNCIL WORK SESSION MINUTES
SUMMIT COUNTY, UTAH
OCTOBER 4, 2012

Present: **Mayor Dana Williams; Council members: Cindy Matsumoto; Andy Beerman; Alex Butwinski; Dick Peek; and Liza Simpson**

Diane Foster, Interim City Manager; Mark Harrington, City Attorney; Matt Twombly, Project Manager; Jennifer Danowski, Performance Measurement and Budget Analyst; Myles Rademan, Leadership and Public Affairs

1. **Council questions and comments.** Ms. Simpson reported that during this past week she attended the Fire Board meeting, the Summit County Health Board meeting and with Jonathan Weidenhamer, Economic Development Manager, met with the Film Series Board in the same fashion council has been meeting with the other staple tenants in the building, meeting went well. Ms. Simpson also made a site visit to the Swede Alley sidewalk construction project and commented that it was looking great.

Andy Beerman relayed that he and Heinrich Deters, Trails Manager, took a group out riding from the Land Trust Rally a conference for Land Trust Administrators that was held in Salt Lake City this year. This was a great opportunity with 30 participants; our guys did a great job of guiding and were able to point out from ridge points all of the lands we've preserved. Mr. Beerman also attended the Summit Lands breakfast yesterday where Rand Wentworth, President of the Land Trust Alliance, spoke and thought it was a great event.

Dick Peek stated that he attended the Park City Chambers' Visitor's Information Center open house last night; he mentioned that the facility is beautiful with great views. The Chamber hopes to get various kiosks in there in the future.

Ms. Matsumoto thanked the street crew for the work on Main Street and wanted to know if there was a way to update and inform the Main Street businesses of work done by the street crew. Ms. Foster mentioned that an update would be possible. Ms. Matsumoto attended the Summit Lands breakfast and mentioned it was well attended and felt its guest speaker, Rand Wentworth was very interesting. She also attended the Chamber Visitor Open House and feels it's going to be a wonderful facility and looks forward to the addition of the kiosks.

Alex Butwinski attended the open house for All Resort Group which encompasses: PC Transportation, Lewis Stages, Sapphire, Premiere and Dial–a-Ride at its new location in the old ski team building 1500 Kearns Blvd. All Resort Group was able to present Friends of the Animals with a gift of $3,000 which represented $5 for each guest at the open house (600 guests). Mr. Butwinski also attended the Chambers' Visitor's Information Center open house and commented that the views were awe inspiring.

Mayor Williams reported that he also attended the Land Trust Alliance that was in Salt Lake City and appreciated getting an update. There are now 1,700 Land Trusts in the United States that they governed by the Land Trust Alliance. The Alliance was very complimentary of Park City; the Mayor was very appreciative of our group taking them touring of the area. The host of the conference was Summit Lands Conservancy with an opening dinner at the Salt Palace with as many as 700 guests. The Mayor commented on how encouraging it's been to see over the last twenty-five years how the Conservancy is used as a viable option not only for Open Space Preservation but also its use as a tool in preserving framing and agricultural ground.

The Mayor also introduced Clint Dayley as the new Liaison for the Mosquito Abatement Board. He mentioned that eight years ago one of the goals of the board was to progress to a point where the county was using an integrated pest control management philosophy. That philosophy has now morphed to a point where this current year is one hundred percent biological control with no phosphate poisons used at all; that this is a first in the twenty-five years in mosquito abatement in the county.

Mayor Williams stated that he had a conversation with Ralph Becker, Mayor of Salt Lake City about transportation plans. Mayor Becker would like to have a lunch meeting with Interim City Manager Ms. Foster, the City's Transportation Liaison Andy Beerman and Mayor Williams next Tuesday. Ms. Foster mentioned she would not be available at that time however Jonathan Weidenhamer will be the acting City Manager in her absence. The Mayor extended the invitation to Mr. Weidenhamer to join Mr. Beerman and himself.

The Wasatch Front is looking at its 20-30 year transportation plans, part of that includes Park City, Ski Link, ski resorts and Guardsman Pass. They have not heard from Park City on the same issue and this would be a good opportunity.

2. **Swede Alley Update.** Matt Twombly gave an update on the Swede Alley crosswalk project; it's been a few weeks since the project began; there have however been a few delays. There were 1-2 days of rain last week and a delay in getting the bricks that had been specified for the project delivered. Mr. Twombly mentioned storm drains and storm drain piping were added to the project up near Cisero's where a spring had appeared this past summer and could cause ice issues this winter if not repaired. The brick crews are on site now; the project has moved into the middle of the street by the Transit Center. The Mayor asked if traffic flow was down to one lane, Mr. Twombly replied that they were maintaining two lanes of traffic and wanted to continue this primarily for the busses by the Transit Center. Once they begin work at the intersection of Heber and Swede Alley, traffic will become tight especially for the busses. An alternate driving route for those in vehicles would be to use Main Street or Marsac during this timeframe. The contractor is on schedule and hoping to be out of the street with work complete by November 1, 2012.

3. Purchasing Policy – local preference. Jennifer Danowski stated that Budget was asked to look at the local preference stipulation in our purchasing policy. As part of their analysis they looked at the recommendations put into the policy; these would be changes made in the fiscal year 2012 budget cycle. They reviewed the past research to answer the reasoning behind the policy. They compared our policy to other local governments in and around this area; Midway, Heber City, St. George and other larger cities throughout the United States. The Budget Team spoke with different PCMC Managers to get their feedback on their experience in utilizing the local preference and how it was going. They looked at different alternatives and pros and cons to possibly looking at the alternatives further. After they completed the analysis staff felt strongly to keep the policy as it is. Managers like the policy; it provides the opportunity for them to make the best decisions when receiving different bids or quotes for proposals. Jennifer asked the Council if they have any questions.

The Mayor opened the discussion to questions from Council. Ms. Simpson commented that Jennifer's presentation was very thorough and very clear. Ms. Simpson's question was to City Attorney Mark Harrington regarding the verbiage in the policy: is there a reason why the policy states that the Manager *may* award as opposed to the Manager *will* award? Mr. Harrington mentioned that that was under the Service Provider section, a non-low bid - formal bid scenario. He mentioned no single criteria are often the sole manner that an RFP is awarded and they are more driven by expertise of need than place or locality or impact. The *may* leaves the door open to the manager to establish that as part of their selection criteria because it's relevant to the contract; there may be some where it's just not relevant, no perceived benefit. Ms. Simpson also stated that she was looking forward to seeing the *best practices* section; Ms. Danowski mentioned that it was currently in Legal being reviewed, that Budget did not want to send out a copy that was not fully approved; Ms. Danowski went on to state that that section is essentially a *how to* for those not familiar with the process. Alex Butwinski had a question regarding endorsing the *best practices* section and would like to review the section prior to endorsing.

Andy Beerman stated that he was a big fan of the process and felt that the City should walk the talk and lead the way in terms of supporting local businesses and would be willing to try Option C for a year. He further stated that there was some concern that it may scare people away or may cause pricing to come down. He thought this may be something the City may use in its economic development to attract businesses to town; give preference to businesses based in Park City.

Mayor Williams suggested that after Council Members had a chance to review the *best practices* packet they could have further discussion on it. Mr. Harrington stated that the City would want to do substantial fact finding in terms of record as well; the City cannot favor local preference just because they are local. There must be findings of economic and other benefits to give them a separate classification. Ms. Simpson added that since this policy has just recently been implemented she would not mind leaving it in place for the year; the Council can plan on reviewing again this next fall and get a better understanding of how and who's using it. Andy Beerman feels that being local should be a criteria; Ms. Foster interjected that every bid process she has been a part of being local there has been a criteria. Mr. Butwinski asked a question of Mr. Harrington regarding clarification of the *local preference factor.* Mr. Harrington stated that justification is needed in terms of the local economic benefit, the more you're giving that favor, the heightened criteria, the more you have to justify not going with something that's going to be perceived as a barrier to entry into your market or other constitutional challenges.

Ms. Matsumoto asked Ms. Danowski for clarification on the two types of contracts, the sealed bids and the professional services in terms of the scoring criteria and what is that process for selection? Ms. Danowski mentioned that the City does not have a set score card in terms of selecting the proposals because projects are so different from one another. The managers will select on the basis of importance and what will make a project successful, so the managers are given the leeway to score accordingly. Mr. Peek wanted to know if bids were a public process; Mr. Harrington said that it was.

Ms. Danowski mentioned that the staff recommendation would be that when looking at a professional services contract they need to be looking at *local preference* and how to appropriately account for it. Managers are very aware of the local preference issue and when they receive a local proposal they will focus in on it. Council would like to have a work session in the next few months after it has had a chance to review the local preference packet and discuss in detail what the City Attorney was explaining.

3. Myles Rademan PowerPoint presentation of City Tour 2012. Myles Rademan gave a PowerPoint presentation of the City Tour to Las Vegas and Brian Head. Mr. Rademan reminded Council and staff that the reason behind doing these trips has remained constant 1) look for innovative, best practices from other communities that are implementing interesting things 2) compare our on growth and development and amenities with the places that are visited 3) network with the individuals that are visited 4) share collective imaginations about what was learned and how to use it 5) strengthen our own sense of community; Myles Rademan stressed how important it is to get everyone to think outside the box 6) to have great fun. There were approximately 70 individuals participating in the tour this year.

He thanked our sponsors Lewis Brothers Stages and All Resorts Express that have helped us with transportation over many years. Mr. Rademan proceeded with the slide show with comments from council and staff. Las Vegas was an interesting model for the city to look at; they like Park City also base their lifestyle on resort economy. He discussed what Las Vegas has done to revitalize sections of their city. Our group had many opportunities to meet with their city employees, mayor, and managers. The City Manager and the Economic Development Director discussed the differences between the city and the county and how they felt they missed opportunities to work with each other. Las Vegas bases their economy on tourism and gambling although they feel that the city needs to diversify: Zappos has moved into the old city hall and will be investing

$350 million in addition to what they need to renovate the building, support startups, supporting restaurants and bar; numerous lots were identified as redevelopment, Smith Center for Performing Arts which was a $450 million investment. These are the things the city of Las Vegas felt they needed to do to attract the creative class. Myles Rademan mentioned the visit to Hoover Dam and how very interesting the tour was.

Brian Head was the next stop on the tour. Brian Head is having a tough time with so few people living there; they have great hiking and mountain biking; the views are beautiful. The City Tour group met at Brian Head and created a debrief report. The report was given out to Council Members and staff and is available to anyone interested in reading the group's comments and observations. A few of the things mentioned in the report is that Park City and the county may want to look at: youth and excitement, developing entrepreneurial culture, businesses working more with the private sector, the group talked about a sense of urgency that we're all very comfortable these days and do we need to look at the next steps, promote more things happening here, are we doing enough in the Historic Area, water conservation, better relationships between city and county.

Myles Rademan continued with more items mentioned in the debrief report. He also presented this PowerPoint to the Park City Chamber Bureau and will be presenting to the two Rotary Clubs. The Mayor mentioned that there is the younger group with advanced degrees coming back to make a living here. Also, ten years ago the community was looking at Park City as being only in the resort business and that is changing. He commented that the senior market is another area the City needs to look at; more senior groups are coming out during the summer season and staying longer.

Mayor Williams felt that the City Tour was a phenomenal trip, with the water conservation discussions being one of the most interesting. Ms. Matsumoto made comments in regard to the debrief; that the leadership class mentioned a few times that the City needed to do more re-development etc. She felt that they weren't aware of what the City has done and currently doing; that there should be a way to inform them. Myles Rademan mentioned that in the past the Leadership Park City 101 class would schedule a day where the class was toured around town with County and City planners pointing out what City/County projects had been completed and what was presently being worked on; many felt that wasn't the best use of time. Myles Rademan would like to do more, although he didn't know if there would be an audience for this. Mayor Williams and council agreed that this would be very interesting to explore, could we do more? Ideas were discussed as to how to move forward on this. Ms. Foster mentioned that staff could come back with several options as to how to move forward on this. Ms. Simpson thought a mechanism to get the information out to the Leadership participants would be something to work on. Mr. Beerman was very appreciative of Myles Rademan and was amazed at the access he has to the hosts of the different places they visited; very much enjoyed getting to know many of the class members, additionally believes that Park City is on the right track, could pull ideas from other cities but that Park City has created a great infrastructure. Myles Rademan mentioned that a new Leadership class had been selected and that the new class will be announced next week. Mayor Williams thanked Mr. Rademan and adjourned the work session.

Prepared by Jody Morrison, Assistant City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 4, 2012

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, October 4, 2012. Members in attendance were Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present were Diane Foster, Interim City Manager; Mark Harrington, City Attorney; Roger McClain, Water Engineer; Sayre Brennan, Engineering; and Mathew Evans, Senior Planner.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

There were no comments.

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

Mayor Williams invited public input.

1. <u>Requested investigation</u> - Jeff Love, a resident of Park City residing at 615 Woodside Ave, and the property owner of 811 Norfolk came forward to give input. Mr. Love stated that his plat amendment approval had taken place the previous week; he also stated that he had requested twice to have his application process be independently reviewed by City Council, however this has not happened as yet. Mr. Love mentioned a letter that Mayor Williams had previously read to Mr. Love stating that the City Council was going to decline investigation because Mr. Love failed his burden of proof. Mr. Love mentioned that he did not understand how he could have failed when he had not been given the opportunity.

Mayor Williams indicated an e-mail had been sent to Mr. Love's attorney that referenced this matter; Mr. Love stated he had not checked his e-mails and had not heard from his attorney due to it being the end of the day. Mr. Love mentioned that he had been involved with this matter since June of 2010; since that time he had spoken with both Mayor Williams and Ms. Simpson often up until the lawsuit; he further stated that from the beginning he mentioned he felt what was going on was political corruption or discrimination or both.

Mr. Love would still like to have the investigation take place; he mentioned he would be in town next week and requested that he have the opportunity to speak with and convey his issues to City Council to have this matter independently investigated. He would like to resolve this issue in house. Mayor Williams responded that his preference would be to discuss this tomorrow; that Mr. Love and his attorney had been notified earlier today and the two of them needed to look at that.

Mr. Love felt as though he had been kept in the dark. Ms. Foster interjected that because a complaint had been filed the City is required to follow the law, that his attorney had been communicated with and the City will handle things appropriately.
Mr. Love mentioned how disappointing it was that his previous two requests had been denied and that he would like to have this handled in house.

Ms. Foster mentioned that Council and the City take this very seriously; part of his perceived lack of response by the City is because the City is being very careful to honor the process and because he had filed a complaint. Ms. Foster stated that this is simply a reflection of the process and the statute. Mr. Love expressed that he would still like to meet with Council.

2. Proposed Land Management Code amendments - Jim Tedford, representing Preserve Historic Main Street, relayed that he has concerns about the process in regard to changing the requirements for Master Planned Developments (MPD) and how it applies to the Kimball Art Center proposal. The group feels it's a bit confusing that some people seem to think the Land Management Code (LMC) should be altered to accommodate the Kimball Art Center. He referenced some of the proposed language changes in the staff reports, they realize these changes have not taken place that his group is just trying keep their eye on things. He referenced some of the proposed changes in the LMC: quasi-public institutions; eliminating two or more zones, open space specifically roof top gardens and changes in fee or fee in lieu of open space.

Mr. Tedford referenced the staff report of August 23, 2012, the vision statements and the General Plan specifically. Mayor Williams asked for clarification as to what staff report, one given to the Planning Commission or one received from the planning staff? Mr. Tedford responded that it was a staff report from the planning staff to Council. He felt that a few statements in the report were not true. One pertaining to the Historic District Design Guidelines, and one regarding the vision statement in the 2030 plan. He questioned the clarity of the vision statement and where it was intended to be going.

Mayor Williams clarified that the vision statement, the 2030 plan, did not originate with the Council it was an acumination of a year of vision from the constituents in Park City as their vision. Mr. Tedford feels that the core elements were not correctly represented primarily the historic culture.

Mayor Williams then asked if there was any other Public Input, there was none.

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 under "Additional Discussion – Agenda Items")*

1. Consideration of a Professional Services Agreement, in a form approved by the City Attorney, with Hansen, Allen & Luce, Inc. for the Water Conveyance - 2013 Pipelines Project engineering services in the amount of $123,000 - and

2. Consideration of a construction agreement for the replacement of a water level control structure at the Park Meadows Golf Course Pond with Lyndon Jones Construction in a form approved by the City Attorney and in the amount of $38,120
Andy Beerman, "I move we approve the Consent Agenda". Alex Butwinski seconded the motion. Motion unanimously carried.

V OLD BUSINESS

1. Consideration of Real Estate Purchase Contract with Green Park Co-Housing LLC for the purchase of 1450 and 1460 Park Avenue in the amount of $400,000, in a form approved by the City Attorney – Dick Peek, "I move to continue to a date uncertain". Liza Simpson seconded. Motion unanimously carried.

2. Consideration of the Ridge Overlook Subdivision, located approximately at 200 Ridge Avenue, Park City, Utah – Planner Matt Evans wanted to convey to the Council that the applicant was not able to attend this City Council meeting. Mayor Williams questioned if the applicant was aware of his being on this agenda. Mr. Evans stated that the applicant had been informed of the agenda and had been forwarded the staff report although the applicant replied he had not received them because he was presently working out of state. Mr. Evans would like Council to move this item to a date uncertain. Mr. Peek wanted to know if this item was legally noticed, was the application about to expire or reaching a deadline. Mr. Evans stated that this items was legally noticed and was not going to expire although if the applicant does not take action the application will expire at some point.

Mr. Peek wanted to know if there was a set of LMC provisions he was trying to maintain by keeping the application active. Mr. Harrington, City Attorney, stated that the application is in the process and is subject to the current code and it's merely a continuance. Ms. Masumoto suggested that it should not be assumed an applicant has received correspondence if confirmation had not been made. Ms. Matsumoto would feel comfortable granting the continuance to a date uncertain. Ms. Simpson questioned Mr. Evans as to why the Council would move this item to a date uncertain when it appeared as though the applicant wanted to be heard in the next few weeks. She also mentioned that the staff report was complete and ready to go, why wouldn't we continue it in the next two weeks. Mr. Evans stated that he was not comfortable with a continuance in the next two weeks explaining that the applicant could not be certain as to when he was coming back to town. The Mayor asked Mr. Harrington if Council should request if there was any public input on this item. Mr. Harrington stated that typically from a due process perspective having everyone here so there is response back and forth would be preferable. The Mayor asked if there was any other discussion on this item or if there was a motion to continue to a date uncertain. Mayor Williams requested a motion to a date uncertain. Cindy Matsumoto, "I so move". Alex Butwinski seconded the motion. Motion unanimously carried.

VI 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.

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3:30 p.m. Members in attendance were Mayor Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek and Liza Simpson. Staff present was Diane Foster, Interim City Manager; Mark Harrington, City Attorney; Jonathan Weidenhamer, Economic Development Manager; and Jason Glidden, Marketing Manager. Andy Beerman, "I move to close the meeting to discuss personnel, property and litigation ". Dick Peek, seconded. Motion carried. The meeting opened at approximately 4:20 p.m. Dick Peek, "I move to open the meeting". Alex Butwinski seconded. Motion unanimously carried.

Prepared by Jody Morrison, Assistant City Recorder

PARK CITY COUNCIL STUDY SESSION
SUMMIT COUNTY, UTAH
OCTOBER 11, 2012

Present: **Mayor Dana Williams; Council members Andy Beerman; Alex Butwinski; Cindy Matsumoto; Dick Peek; and Liza Simpson**

Matt Cassel, City Engineer; Thomas Eddington, Planning Manager; Diane Foster, Interim City Manager; and Mark Harrington, City Attorney

Steve Rush, Brian Bowles and Kevin Freestone, Rocky Mountain Power

1. **Rocky Mountain Power Substation.** Matt Cassel explained that this study session is to discuss RMP's potential expansion/relocation of the current substation located off of Woodbine Way. He introduced the representatives from RMP listed above. The staff report addresses the history of the project and he listed the topics to be covered today which will focus only on Phase 1, the substation. Overhead power lines are associated with Phase 2, and the Judge Substation upgrade is Phase 3.

Thomas Eddington pointed out that the *gives and gets* in the community vision statements are discussed a lot as part of the Bonanza Park Plan. There have been discussions about the redevelopment of the property RMP currently occupies to the south of the Recycle Center. RMP has been in discussions with Mark Fischer for quite some time about relocating to 1555 lower Iron Horse Drive. This concept has been part of the discussions relating to the Bonanza Park Plan. He displayed a map illustrating the 100 acre Bonanza Park area, the current substation location, and the proposed relocation area. These discussions have been identified in the draft Bonanza Park Plan submitted in January 2012, and staff feels this is the right location. There were probably five or six other locations considered.

Matt Cassel explained that one of the locations not included in the report was moving the substation out to the Park City Heights area. RMP considered the site but it was not feasible.

Mr. Eddington continued that the City has always envisioned an opportunity to redevelop the Bonanza Park area. He displayed concept renderings of a development with mixed uses and diverse residents. The need to relocate the substation is somewhat important to effectuate that kind of vision. The 2009 Visioning document highlights core values and part of the visioning process was to create a collaborative approach. The City has been working closely with Mark Fischer and RMP to try to accomplish this kind of relocation and there is only one chance to get it right. Mr. Eddington understood that the current substation was moved from the Coalition Building site on Park Avenue to the Recycle Utah location as development of Old Town continued to the north. The substation has been part of both the Bonanza Park and the Redevelopment Plan.

Mayor Williams emphasized for the benefit of the audience that growth has nothing to do with the expansion or the movement of the substation. Matt Cassel stated that the expansion of the substation is not because of anticipated growth, but based on current needs and RMP's timeline for this project has passed.

Steve Rush, Customer Community Manager, pointed out a 2.5% to 3% increase per year in Park City and RMP's in-service date is 2015. Ms. Matsumoto asked if the power lines will take the same path into town in the preferred site location. Matt Cassel explained that wherever the substation ends up won't change where the power lines need to come in. Cindy Matsumoto brought up the Park City Heights location and it was pointed out that it would not eliminate power lines coming over the hill. Matt Cassel noted that a work session is scheduled on October 25 to cover any outstanding questions members may have.

Brian Bowles explained that there would be no expansion of the footprint. Iron Horse Option 1 is basically keeping all of the transmission on the east side of Bonanza, and inserting one or two more structures to maintain clearances. Iron Horse Option 2 is basically the same as the options in the existing alignment with the overhead structures crossing over Bonanza to the lower Iron Horse Substation. He referred to a map of the different substations in the area and where they serve. The Park City Substation which is increasing 3.1% per year has the most electrical demand growth. The Mayor pointed out that substations differ. Kevin Freestone relayed that additional capacity was added at Snyderville four years ago. One of the challenges with building a substation and feeding local distribution is the density of the load and getting away much more than two miles creates operating issues. The Park City substation is located on the outskirts of the edge limiting where it can be moved. Another challenge is the Judge Substation meeting its demand.

Matt Cassel emphasized that this project is not intended to meet demands elsewhere. The needs are here. Diane Foster interjected that making people conserve will not delay the need for the expansion and according to state law, RMP has an obligation to adequately serve the current needs of a community.

Brian Bowles displayed visuals of both locations. Matt Cassel stated that these renderings will be placed on-line for the public. Mr. Bowles explained that the design at the existing facility is typical for a 46 KV substation. Steve Rush explained that this means 46,000 volts and the other voltage referenced is 138 KV. Mr. Bowles displayed the overhead option for the current facility upgraded to 138 KV. The diameters of the towers are reduced although they are tall. He addressed the underground option where the transmission structures outside of the property are reduced but another set of structures are added just inside the substation. He described the path of the power lines for overhead and underground and lightning shields for overhead designs. In response to a question from Dick Peek, Mr. Bowles described the use of capacitor banks to help support voltage but when upgrading to 138, this piece of equipment is no longer needed at the existing site. These are spread throughout the system. He displayed overhead and underground renderings of the Bonanza Drive locations and felt that the view from Fireside Condominiums can be mitigated with landscaping and trees.

Andy Beerman asked if the substation has to be located so close to Bonanza Drive. Kevin Freestone acknowledged that the site is tight and there is no additional space because of the triangular shapes of the properties and adequate clearance for maintenance vehicles has to be provided. Matt Cassel expressed that staff understands this but is still working on this issue. Steve Rush added that Mark Fischer acquired additional property which makes this location workable. The transformers are significantly larger. Andy Beerman pointed out that the five poles are side by side and asked if this configuration is required. Mr. Bowles answered that there is not enough room on the site to space them apart.

Mayor Williams remarked that undergrounding seems to remove two towers. Mr. Bowles explained the differences by displaying the renderings again. Cindy Matsumoto felt that the underground design is harsher than the overhead. Kevin Freestone explained that the renderings are layered making it difficult to see what is being removed with the underground. Access from Bonanza Drive was discussed as well as building a retaining wall. Matt Cassel believed the tallest wall is six to eight feet but staff would like the substation pushed farther into the hill and to build a road next to the creek. Diane Foster pointed out that the perspective from a car is not looking up. Matt Cassel stated that staff used RMP's drawings but added higher retaining walls and more landscaping to soften the view from the road level. Ms. Matsumoto questioned if there is enough room to plant trees. Mr. Rush pointed out that they can't be planted under transmission lines or adjacent to a fence which could provide access to the substation site. Mr. Cassel assured members that there is enough space. If the substation is expanded at its existing site, the plan for Bonanza Park would be difficult to accomplish. Kevin Freestone relayed that one side of the Gateway building in Salt Lake acts as a fence for the substation. Steve Rush pointed out that 138 KV is the standard and 46 KV substations are no longer being built.

Matt Cassel referred to the table of the breakdown of costs in the meeting packet which is attached to these minutes.

Kevin Freestone explained that the existing facilities have to remain in place while the upgrade is being installed before it is put in service. Expanding the existing facility can be phased. The transformer costs are the same for both locations and he addressed depreciation values. Brian Bowles explained that RMP estimated what it would cost to rebuild from Silver Creek to Park City and Silver Creek to lower Iron Horse and basically the cost difference is $280,000. The lower Iron Horse west route receives a full credit of $280,000; the lower Iron Horse east route receives a credit of $112,000 for the transmission. The cost for internal labor for engineering, design, and project management was pointed out. The design for the lower side distribution and also on the lower Iron Horse east route includes an extra transmission representing the difference in cost. He pointed out contract labor and design costs. There is an extra cost with the transmission on the east lower Iron Horse route compared to the west route. There is no low side construction needed at the existing site, but needed on both Iron Horse options. The distribution can be reused at the existing site and would cost about $1 million to move it to lower Iron Horse. The cost associated with land acquisition at the existing site is $350,000 to remove equipment so there is a buildable site. Moving to lower Iron Horse is more expensive because RMP would be removing the entire substation. Construction overhead is based on the total cost and he discussed financing costs. Iron Horse west or Option 2 represents a cost difference of $2.5 million. RMP has committed to do something similar to a special service district wherein if that cost is paid up front, Park City receives a 7% discount on interest charges for either Iron Horse option. Mr. Bowles stated that there are no additional right-of-way costs associated with the west location but locating on the east side of road would require an 80 foot right-of-way. He acknowledged ownership confusion about whether the City or Mark Fischer owns the property. Through illustration of a map, Mr. Bowles described the location. He believed the current right-of-way is 40 to 50 feet and the 80 foot right-of-way is needed to provide adequate clearances because of the hill.

The Mayor pointed out that the cost projections are based on above-ground. He asked about financing options and Steve Rush responded that RMP does not offer a financing program. Kevin Freestone added that having a city ask RMP to relocate a substation is a unique situation and undergrounding utilities is dictated by the Legislature. Mr. Rush emphasized that Park City will have to come up with the money because RMP is not involved in special service districts. Diane Foster interjected that there might be other opportunities available in the future if approved by the Legislature.

The Mayor encouraged public input on this project and announced that on October 23 a community meeting will be held at The Yard from 5 p.m. to 7 p.m. On October 15, a stakeholders meeting will be held from 4 p.m. to 5:30 p.m. at The Yard. On October 24, the Bonanza Park form-based code will be presented at the Planning Commission meeting, but the substation will not be a focus of discussion. The City Council will hold another work session on this matter on October 25.

Alex Butwinski asked about the cost of undergrounding and Kevin Freestone responded that first the location of the substation needs to be determined. Matt Cassel estimated that undergrounding would cost $5 to $6 million per mile. Brian Bowles indicated that RMP is somewhat hesitant to estimate the cost of undergrounding this project. RMP just completed a project in the Gateway area where three lines were undergrounded for three blocks and he will share those costs with staff. Mr. Rush stated that state law is very specific about the customer paying for undergrounding transmission. Mr. Bowles felt he could provide more cost information on a RDA project in Salt Lake as well.

Ms. Matsumoto asked the cost of a terminating tower and Mr. Bowles advised that the structures are about $100,000 apiece. He spoke about undergrounding and discovering unanticipated problems which add costs. Dick Peek asked about the bidding process and Mr. Bowles stated that many times RMP bids it. Steve Rush emphasized that price is dependent on the current cost of materials.

Mayor Williams described the community as very protective of its view sheds. He feared the substation will create adverse economic impacts with regard to property values. He felt that the towers are somewhat dwarfed by the hill but the look of the substation it is a lot different when the towers are located in a neighborhood.

Steve Rush stated that they will evaluate those options and spoke about a pre-rusted pole which would blend in better with the environment.

Prepared by Janet M. Scott, City Recorder

Park City Substation Relocation Cost Evaluation

Rocky Mountain Power Cost Evaluation

DRAFT v10.05.2012

#	Item	Park City Conversion	Lower Iron Horse (East Route)	Variance to Park City (East Route)	Lower Iron Horse (West Route)	Variance to Park City (West Route)	Numbers Provided By	Variability Driver
		RMP Costs	RMP Costs	RMP Costs	RMP Costs	RMP Costs		
1	**Substation Material**	**$2,451,421**	**$3,294,208**	**$842,787**	**$3,126,209**	**$674,788**	**RMP**	
2	Substation Equipment not transformer)	$486,991	$1,443,778	$956,787	$1,443,779	$956,788	RMP	Commodity Price
3	Transformers	$1,692,430	$1,692,430		$1,692,430		RMP	Transformer Market
4	Equipment Salvage***	-$8,000	-$10,000	-$2,000	-$10,000	-$2,000	RMP	Salvage Value
5	Transmission Cost	$280,000	$168,000	-$112,000	$0	-$280,000	RMP	Commodity Price
6	**Labor (Engineering, Project Management, Internal Crews)**	**$450,924**	**$596,714**	**$145,790**	**$558,806**	**$107,882**	**RMP**	Labor Rate
7	**Contract Labor**	**$3,422,297**	**$4,045,698**	**$623,401**	**$3,882,210**	**$459,913**	**RMP**	Labor Rate
8	**Distribution (Material, Labor, Construction)**		**$1,077,165**	**$1,077,165**	**$1,077,165**	**$1,077,165**	**RMP**	Commodity Price / Labor Rate
9	**Land Acquisition**	**$350,000**	**$500,000**	**$150,000**	**$500,000**	**$150,000**	**RMP/Park City**	
10	(1) Park City Substation Property (0.838 Acres @ $30/sq ft. = $1,095,090)						RMP	Land Value
11	Cost to Vacate Existing Property and Remove Equipment		$500,000	$500,000	$500,000	$500,000	RMP	Disposal Cost / Labor Rate
12	Cost to remove equipment and stay at Park City.	$350,000		-$350,000		-$350,000		
13	(2) Lower Iron Horse Property *		$0		$0			
	Land Value Difference from Park City (2.06 Acres @ $15/sq ft. = $1,346,000)						RMP	Land Value
14	**Construction Overhead**	**$792,867**	**$919,180**	**$126,313**	**$876,575**	**$83,708**	**RMP**	
15	**AFUDC (Interest During Construction)**	**$516,916**	**$628,879**	**$111,963**	**$599,681**	**$82,765**		
16	**Transmission ROW (Substation Interconnect Only)**	**$0**	**$804,600**	**$804,600**	**$0**		**RMP**	Land Value
17	Sub Totals	**$7,467,509**	**$11,237,565**		**$10,020,965**			
18	Actual Excess Cost for Relocating Substation			$3,770,056		$2,553,456		
19	Actual Excess Cost for Relocating Substation if Paid Upfront (≈7% Cost Savings)			$3,506,152		$2,374,714		

* Park City/Mr. Fischer will be providing the Lower Iron Horse property + bank owned property as one parcel to RMP. The site is expected to be at grade, existing structures removed and the existing road relocated. The company will vacate the existing Park City Substation upon completion. Park City will be responsible for the cost difference between the Park City substation site and the Lower Iron Horse property.

** The site is expected to disturb 2777 cubic yards.

*** Transformers and distribution breakers will be kept as spare inventory. The remaining equipment will be salvaged. Current market price for scrap steel is $200 a gross ton.

**** These costs do not reflect any costs associated with a block wall or landscaping at either site.

Draft – The figures represented are very high level estimates only and are strictly for discussion purposes only.

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 11, 2012

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, October 11, 2012. Members in attendance were Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present were Diane Foster, Interim City Manager; Mark Harrington, City Attorney; Clint McAffee, Water Manager; Blake Fonnesbeck, Operations Manager; Thomas Eddington, Planning Manager; and Kirsten Whetstone, Planner.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

1. Public Works Operations Manager – Clint McAffee announced that Pace Erickson's position has been filled by Blake Fonnesbeck who he introduced to Council. The Mayor welcomed him.

2. Council questions/comments – Cindy Matsumoto reminded the public of the annual Library luncheon which will be held on October 17 at Stein Eriksen's Lodge. Dick Peek stated that he attended the Historical Society meeting and mentioned that the Board is looking for storage space.

Andy Beerman reported that he and Mr. Butwinski attended the final Leadership session for this year's class on Monday night. Dr. Walter Wright gave an inspirational talk. He and Mayor Williams met with Mayor Becker and his staff during the week. Recycle Utah held its annual strategy meeting. Because of the availability of curbside recycling, it is focusing more on education, water and reuse. The Board is considering a name change and other modifications to its model. He also attended BOSAC this week.

Liza Simpson pointed out that the street lights on the Marsac stairs are not working and the street lights around the City Park recreation building are also not functioning.

Mayor Williams reported that the Council was planning to review a list of potential City Manager candidates on November 6 which is Election Day, but that date may be moved. He, Andy Beerman and Phyllis Robinson met with Mayor Becker and his staff about forming a committee on resort area expansions on the Wasatch Front and Back. Representatives from the associated counties and cities would be invited to participate and expansions will be reviewed comprehensively. He would like to participate on the committee and City Council members were supportive of holding a work session with Salt Lake on this.

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

Proposed Land Management Code amendments – Resident Megan Ryan stated that she spoke to the Planning Commission last night on the same issues and referred to an email she sent Council members a couple of weeks ago about process. She encouraged using *MindMixer* on the City's website to gather public input. With regard to noticing the LMC amendments, the sections are listed but few people know what the content is and if information is clearer, it might make the meetings and the process a lot more effective. There are many changes proposed to the LMC currently being reviewed by the Planning Commission. She referred to the City Council meeting minutes of August 23, 2012 where changes to the MPD were put into the context of the Kimball Art Center expansion. Specifically, there was direction from the City Council to the Planning Commission to look at allowing MPDs in the Heber Avenue subzone and the Council wanted some criteria on how this could be met. There was also discussion about open space and a suggestion of holding a joint meeting. The minutes relayed that the Planning Commission should move forward with options to allow for MPDs in the subzone.

Ms. Ryan continued to state that the proposed LMC amendments draft allows for MPDs in the HRC plus eliminating from the HCB Zone, plus putting in open space provisions for limited or various ways to meet open space in the Main Street zones, as well as talking about developing an in-lieu open space purchase fund, and landscaping. She understands the Planning Commission is looking at global changes to the MPD which she encourages, but it doesn't appear like it is a global look, just a few changes in one area, but it's impacting the entire HRC Zone and might not be the right tool.

Her third issue is the expansion of the Kimball Art Center and the disconnect with the public who want to comment on a project that has not yet been submitted. She understands the City's position in trying to create opportunities for discussion but the HRC Zone with the Heber Avenue subzone includes five properties: Poison Creek, Sky Lodge, Zoom Plaza and the Kimball Art Center. The current HRC Zone requirements have the adequate tools for an application to be submitted and publicly processed.

Ms. Ryan strongly believed that the HRC Zone has a process and exemptions from parking and open space and City officials already have the tools. If the applicant needs some variations or amendments, but not a variance, the Heber Avenue subzone could be amended. Right now, a conditional use permit could be applied for, the Planning Director has flexibility for setbacks, there is no open space, no floor area ratio requirement and if changes are needed there is a public process to amend the specific zone. This also allows the ability to look at the Zoom Parcel which could potentially be developed.

Right now the MPD is being considered without knowing what to tweak or know if it will work and it also affects other parcels in the HRC Zone. Ms. Ryan suggested that an application be submitted under the current process that exists now and allow it to move forward. It seems like there is a lot of misinformation in the community about what is going on. She encouraged getting clearer information about the joint October 24, 2012 meeting and to consider providing the Planning Commissioners' email addresses on the website. She hopes the debate is clear and open. Ms. Ryan also urged *calling it what it is* to better move forward.

Tom Eddington explained that the Planning Commission has email addresses on-line and will make sure that it is clear. The public can find documents in Document Central and a specific page has been created for the LMC changes. The direction from Council was to have the Planning Commission look at MPDs in redevelopment areas reducing the open space requirement to create walkable developments. The Commission is also looking at the Heber Avenue subzone and not MPDs in the entire HRC Zone. Meg Ryan asked if that will be clear in future drafts and Mr. Eddington felt it would be. MPDs are being reviewed globally and specifically for the Heber Avenue subzone. Mayor Williams spoke about open space not being defined and different perceptions of what open space is. Ms. Ryan pointed out that there is no issue with open space in the HRC so there is already a vehicle that addresses the impacts of projects in that context. Thomas Eddington added that requiring open space in Bonanza Park doesn't make sense either because it won't work in terms of walkability.

Cindy Matsumoto relayed that the Council wanted the Kimball Art Center's proposed expansion to be presented in a public forum and it was suggested that the MPD process would provide that opportunity. She referred to Ms. Ryan's comments that the project could go through the CUP process. Thomas Eddington explained that if a proposal is submitted and doesn't meet the requirements of the HRC Zone it could not be processed and would be denied. Meg Ryan expressed that a CUP could be applied for but if an amendment to the Heber Avenue subzone is needed, the applicant can request that a legislative code change be considered. In this case, KAC could ask for a height change in the Heber Avenue subzone. She emphasized that this is a legislative process with public hearings and the CUP application adds another layer of process. Thomas Eddington explained that staff didn't want to increase height, but instead look at it through the criteria of the MPD so that it could be evaluated holistically rather than just allowing an increase in height in the zone.

Meg Ryan argued that the MPD isn't the vehicle to accomplish that because there are no height limitations and the criteria are nebulous. If the MPD is used, those provisions need to be tightened up. Mr. Eddington added that staff has been talking with the Commission about the possibility of implementing some sort of maximum height for MPDs. Ms. Ryan noted that she has not seen that proposal in any of the drafts.

Cindy Matsumoto understood that variances go to the Board of Adjustment. Ms. Ryan clarified that she is suggesting that the City Council and Planning Commission consider a legislative amendment to the Code for the Heber Avenue subzone. This process would require Planning Commission and the City Council to conduct public hearings. She reiterated her position that there are sufficient review criteria. She felt that it might be a good idea to revise MPDs in general but not for this zone.

Thomas Eddington explained that staff didn't want to amend the Heber Avenue subzone because it is actually an overlay and follows the underlying criteria of the HRC Zone. The opportunity to look at the MPD seemed like the most appropriate direction. Most of lower Main Street has been developed through a MPD process which resulted in the recommendation. Staff did not want to effectuate additional criteria or changes in the Heber Avenue subzone. Megan Ryan described her suggestion as a tool the City Council can use.

Mayor Williams explained that the intent of the process was to encourage public dialog and not to give direction to the Planning Commission *to make this happen*. Mr. Eddington stated that the Commission discussed this very issue and there are no guarantees that anything will be approved.

Hope Melville, Old Town resident, felt that amending the Heber Avenue subzone seems like an appropriate way to allow for the KAC to apply and receive a lot of public input on its application. The current idea of changing the MPD requirements seems unnecessary and not the best way to proceed. She stated that these changes to the MPD would apply across-the-board to other future projects.

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

IV MINUTES OF MEETING OF SEPTEMBER 27, 2012

Dick Peek relayed that he submitted some minor corrections to the City Recorder, "<u>I move approval of the meeting minutes and work session notes of September 27, 2012 (as corrected)</u>". Alex Butwinski seconded. <u>Motion unanimously carried</u>.

V NEW BUSINESS

<u>Consideration of an Ordinance approving the Stein Eriksen Lodge Common Area Second Supplemental Sheet for all phases, located at 7700 Stein Way, Park City, Utah</u> – Russ Olsen, CEO of Stein Eriksen Lodge, introduced his architect Ron Jones from WPA Architecture. Planner Kirsten Whetstone explained that this is a request to amend the Stein Eriksen Condominium Plat to reflect a proposed 4,300 square foot addition to the support meeting space located above the existing ballroom. It also includes a porte cochere over the entry. The proposed additions are located within the common area of the plat and will remain as common. Unit equivalents and/or private areas will not be modified. These are support uses to the existing use. This project is subject to the Deer Valley Master Plan which allows them 5% of the total residential floor area for support meeting space. On September 26, 2012, the Planning Commission conducted a public hearing and there was no input. The vote was unanimous to forward a positive recommendation to the City Council.

In response to a question from Ms. Matsumoto, Kirsten Whetstone explained that the 4,300 square feet is the amount of floor area that counts as support; the actual addition is about 9,000 square feet. Cindy Matsumoto understood that this project would max the Lodge out completely and the applicant agreed.

The Mayor opened the public hearing; there was no input and the public hearing was closed. Cindy Matsumoto asked if the porte cochere feature counts toward density. Ms. Whetstone explained that since it is not enclosed, it doesn't count as floor area or open space. Cindy Matsumoto, "I move that we approve an Ordinance for the Stein Eriksen Lodge Common Area Second Supplemental Sheet for all phases located at 7700 Stein Way, Park City, Utah". Alex Butwinski seconded. Motion unanimously carried.

VI ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned and a Redevelopment Agency meeting convened.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3:30 p.m. Members in attendance were Mayor Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present was Diane Foster, Interim City Manager; Clint McAffee, Water Manager; Jonathan Weidenhamer, Economic Development Manager; and Mark Harrington, City Attorney. Liza Simpson, "I move to close the meeting to discuss property and litigation". Alex Butwinski seconded. Motion carried unanimously. The meeting opened at approximately 4:40 p.m. Alex Butwinski, "I move to open the meeting". Andy Beerman seconded. Motion unanimously carried.

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

Prepared by Janet M. Scott, City Recorder

City Council
Staff Report

Subject:	**Resolution - Extra Mile Day**
Author:	**Janet M. Scott, City Recorder**
Department:	**City Manager**
Date:	**October 25, 2012**
Type of Item:	**Administrative**

Summary Recommendations:
Approve the Resolution proclaiming November 1, 2012 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. From 2009 to the present the Extra Mile America Foundation has led the charge in making Extra Mile Day a national event. The Extra Mile Day growth has evolved exponentially; in 2009, 23 cities, in 2010, 116 cities, and in 2011, 228 cities representing all 50 states participated. More information about this organization is attached.

Extra Mile cities can be found at http://www.extramileamerica.org/extra-mile-day.

Department Review:
Legal and City Manager 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.

Significant Impacts:
There is no membership fee or other commitments associated with this Resolution.

Recommendation:
Approve the Resolution proclaiming November 1, 2012 as Extra Mile Day in Park City, Utah

RESOLUTION PROCLAIMING NOVEMBER 1, 2012 AS
EXTRA MILE DAY IN PARK CITY, UTAH

WHEREAS, Park City 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 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 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 demonstrated by PC Foundation's Live PC Give PC and the Mile Post publication; and

WHEREAS, Park City acknowledges the mission of the Extra Mile America Foundation to create 300 Extra Mile cities in America and is proud to support **"**Extra Mile Day" on November 1, 2012;

NOW THEREFORE BE IT RESOLVED, that the Mayor and City Council hereby proclaim November 1, 2012 to be Extra Mile Day and 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 around who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

PASSED AND ADOPTED this 25th day of October, 2012.

PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams

Attest:

Janet M. Scott, City Recorder

Thank you for taking a moment to talk with me on Tuesday about the Extra Mile America Foundation (http://www.extramileamerica.org/), a nonprofit organization that empowers individuals and organizations to "go the extra mile" in order to create positive change in their individual communities.

Last year, 228 cities chose to go the extra mile and declare ***November 1*** as ***Extra Mile Day*** *…a day to acknowledge the power we each have to create positive change in our families, organizations, and communities.* I am writing to request that Park City declare November 1 as Extra Mile Day.

By declaring November 1, 2012, "Extra Mile Day," your city chooses to **recognize people and organizations in the local community who are going the extra mile**.

In 2012, we are expecting to reach over 300 cities in all 50 states with our joint "go the extra mile" message. Participation by cities ranges from a simple declaration to more elaborate events honoring key extra-mile citizens of the community.

For your convenience, we've posted **sample proclamation wording** on our website: http://www.extramileamerica.org/extra-mile-day. Scroll down and select "click to see the Extra Mile Day 2012 proclamation." (If the link will not open for you, start at our home page and then select "extra mile day." Scroll down to open the sample proclamation.)

Additionally, we would love to highlight a quote from your Mayor about what "going the extra mile" means to the Mayor personally. Pictures are located at the bottom of our home page (http://www.extramileamerica.org/) and quotes are listed under the "media" tab. See what other mayors have already said at http://www.extramileamerica.org/extra-mile-america-videos.

If you have any questions, please contact me at Christine@ExtraMileAmerica.org or 916-410-7835.

Thank you for your consideration!

Christine

Christine Ott
Christine@ExtraMileAmerica.org
916-410-7835

About the Extra Mile America Foundation (http://www.extramileamerica.org/**)...**

□□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.** As he peddled from San Francisco to Boston, Shawn met over 200 people in pre-arranged interviews who had been identified as *"going the extra mile"* in overcoming a major life defeat or in achieving victory in chasing a passionate dream. After the tour, Shawn personally gave away $10,000 to individuals whose stories he found particularly inspiring with the hope of motivating them to continue to go the extra mile.

□□The media momentum and overwhelming support across the country that the Extra Mile America Tour received inspired the creation of the Extra Mile America Foundation, a 501(c)(3) nonprofit organization that encourages positive attitude and action by empowering individuals, organizations, and cities to *"go the extra mile."* (http://www.extramileamerica.org/)

□□From 2009 to the present, the Extra Mile America Foundation has led the charge in making Extra Mile Day a national event.   The Extra Mile Day growth has evolved exponentially. **In 2009, 23 cities** participated. **In 2010, 116 cities.** And **in 2011, 228 cities** representing all 50 states declared November 1 *"Extra Mile Day."* You can see a list and a map of **all 2011 "Extra Mile"** cities at http://www.extramileamerica.org/extra-mile-day. Scroll down and select "click to see the 228 cities that declared Extra Mile Day in 2011."

Christine Ott
Director of Media and Public Outreach
916-410-7835
Christine@ExtraMileAmerica.org

City Council
Staff Report

Subject:	**Resolution – Pancreatic Cancer Month**
Author:	**Janet M. Scott, City Recorder**
Department:	**City Manager**
Date:	**October 25, 2012**
Type of Item:	**Administrative**

Summary Recommendations:
Approve the Resolution proclaiming November 2012 as Pancreatic Cancer Month in Park City, Utah.

Background:
Bruce Greenwald contacted the Mayor's Office this year about adopting a Resolution to raise awareness about pancreatic cancer. The City Council adopted similar resolutions in 2010 and 2011. The Council's support of the *Pancreatic Cancer Research & Education Act* (S. 362/H.R.733) which is legislation ensuring a national strategic plan to address pancreatic cancer was included in the draft proclamation. Staff does not recommend including that language because support of any proposed federal legislation deserves more attention and analysis than time will allow. Mr. Greenwald is aware of the City's concern. He will be at Thursday's meeting to accept the Resolution. For more information on the Pancreatic Research Action Network see http://pancan.org/.

Department Review:
Legal and City Manager 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.

Significant Impacts:
There are no commitments associated with this Resolution.

Recommendation:
Approve the Resolution proclaiming November 2012 as Pancreatic Cancer Month in Park City, Utah.

RESOLUTION PROCLAIMING THE MONTH OF NOVEMBER AS
"PANCRATIC CANCER AWARENESS MONTH"
IN PARK CITY, UTAH

WHEREAS in 2012, an estimated 43,920 people will be diagnosed with pancreatic cancer in the United States and 37,390 will die from the disease; and

WHEREAS pancreatic cancer is one of the deadliest cancers, is the fourth leading cause of cancer death in the United States, and is the only major cancer with a five-year relative survival rate in the single digits at just six percent; and

WHEREAS when symptoms of pancreatic cancer present themselves, it is usually too late for an optimistic prognosis, and 74 percent of pancreatic cancer patients die within the first year of their diagnosis while 94 percent of pancreatic cancer patients die within the first five years; and

WHEREAS of all the racial/ethnic groups in the United States, African Americans have the highest incidence rate of pancreatic cancer, between 34 percent and 70 percent higher than the other groups; and

WHEREAS approximately 210 deaths will occur in Utah in 2012; and

WHEREAS there is no cure for pancreatic cancer and there have been no significant improvements in survival rates in the last 40 years; and

WHEREAS the Federal Government invests significantly less money in pancreatic cancer research than it does in any of the other leading cancer killers; and pancreatic cancer research constitutes only approximately 2 percent of the National Cancer Institute's federal research funding, a figure far too low given the severity of the disease, its mortality rate, and how little is known about how to arrest it; and

WHEREAS, the *Pancreatic Cancer Research & Education Act* (S. 362/H.R. 733) requires that the National Cancer Institute develop a strategic plan for combating pancreatic cancer; and

WHEREAS the Pancreatic Cancer Action Network is the first and only national patient advocacy organization that serves the pancreatic cancer community in Summit County and nationwide by focusing its efforts on public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer; and

WHEREAS the Pancreatic Cancer Action Network and its affiliates in Park City support those patients currently battling pancreatic cancer, as well as to those who have lost their lives to the disease, and are committed to nothing less than a cure; and

WHEREAS the good health and well-being of the residents of Park City are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council hereby designates the month of November 2012 as "Pancreatic Cancer Awareness Month".

PASSED AND ADOPTED this 25th day of October, 2012.

PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams

Attest:

Janet M. Scott, City Recorder

PARK CITY 1884

City Council Staff Report

Subject: Water Asset Management Software Purchase
Author: Spencer Lace
Department: IT
Date: 10/25/2012
Type of Item: Administrative

Summary Recommendations:
Staff recommends City Council authorize the City Manager to enter into a contract to purchase a license and five year software maintenance agreement in a form approved by the City Attorney's Office with Azteca Cityworks AMS in the amount of $64,900. The software will better collect and track the condition of city water assets, schedule preventative maintenance, and lower annual software maintenance costs.

Topic/Description:
The Water Department and IT Department together are responsible for maintaining an asset database of water infrastructure using GIS and other technologies. We use the database starting from when a project is built to when the infrastructure is serviced, to when it is replaced. Asset management software provides a tool for us to enter data, and it also informs us of when maintenance is due or when the costs of repair exceed the costs to replace. Another important function is to report on the infrastructure and evaluate risks of asset failure. We also must fulfill the needs of a mobile workforce using GPS for accuracy, wireless connections for efficiency, and web-based design for ease of use and frequent interaction with the system. The water system is complex enough and the software used to track it should not make the job more difficult. Asset management software should help us do the real work, and not be a burden on staff.

Background:
For the past 5 years the water department has used Lucity (formerly GBA Master Series) for preventative maintenance (PM) work orders and asset management in concert with ESRI ArcGIS mapping software. In the last three years staff supplemented this system with Marshall GeoResults Mobile to provide a field interface to the map and asset database, without great success. The map works well, but we were unable to fully implement the transfer of work orders to/from the field due to unforeseen technical problems. The most significant issue is having 3 software packages each with their own release cycle, and having to keep the versions compatible over time prevents updating some programs while waiting for others to "catch up." Also we have these limitations:

- Not able to map a flushing route work order because it contains more than a single asset.
- Updating map data on field crew laptops is a manual process.
- Limited ability to update the map data to reflect on the ground conditions.
- Importing water sample results from the lab into Lucity is problematic.

Analysis:
Many hours were dedicated to resolving past problems and searching for solutions, including possibly implementing additional components from the current vendor. Lucity and Marshall software do not meet our current technical requirements.

Staff aims to save time and simplify this system using a sound IT, GIS, and mobile strategy. Rather than adding another component to make the old ones work better, we recommend replacing two programs with one. This will reduce administration time, compatibility or timing problems and save annual maintenance costs. The main goal, however, is to achieve more functionality that we are currently missing.

Staff engaged representatives of major vendors to understand new products and services available. An RFP resulted in four proposals and selection of another asset management solution that met the selection criteria best, including cost, comparable projects, expertise of the company, and approach to the project.

	Beehive	Cityworks	KCT	MaintStar
5 Year Cost	$100,000	$64,900	$85,237	$81,950
Selection Criteria Rank	2	1	3	4

The selection committee agreed upon Azteca Cityworks AMS. It will build on our GIS Server, is web-based, mobile friendly, and very expandable. Azteca proposed a Jumpstart implementation and training for $14,900, and $10,000 annual license. The new license cost represents a $1,150 dollar savings each year for five years. By reducing annual software maintenance on Lucity for the past two years, we have saved enough to cover almost seventy percent of the implementation cost of Cityworks this year.

Cityworks implementation and training.. ($14,900)
Two-year Lucity maintenance savings.. -$10,160
Net cost of implementing this year……. ($4740)

We expect to use the Cityworks AMS for at least five years as outlined in the cost proposal, yet may request to expand the license at a later time for additional integration.

The following table shows a brief comparison.

	Lucity & Marshall	**Cityworks**
Number of water module & mobile users	2	unlimited
Number of total asset mgmt. users	8	unlimited
Web browser based?	No	Yes
Uses ArcGIS Server live map data?	No	Yes
Annual Software maintenance	$11,500	$10,000

Department Review:
IT, Water, Legal, City Manager

Alternatives:

A. Approve:
Direct staff to purchase Azteca Cityworks AMS and implement in 2013. Recommended alternative.

B. Deny:
Council may deny the request.

C. Modify:
Council may modify the request.

D. Continue the Item:
Council may request additional information.

E. Do Nothing:
This will have the same impact 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?		+ Enhanced w ater quality and high customer confidence + Effective w ater conservation program		+ Well-maintained assets and infrastructure + Streamlined and flexible operating processes + Engaged, capable w orkforce + Fiscally and legally sound
Assessment of Overall Impact on Council Priority *(Quality of Life Impact)*		Positive		Very Positive
Comments: Staff sees a real opportunity to improve operations. We understand no software is perfect but this change has clear benefits: simple, unlimited users, low cost, Utah company, progressive solution.				

Funding Source:
Operating

Consequences of not taking the recommended action:
Less than optimal use of staff time with asset management program due to complexity and troubleshooting; not capturing information; higher cost; not ever “up to date”.

Recommendation:
Staff recommends purchasing Azteca Cityworks AMS to better collect and track city asset condition, preventative maintenance and costs, while lowering annual software maintenance costs.

Exhibits:
A – Image of Cityworks AMS Dashboard
B – Image of Cityworks AMS Inspection form

Exhibit A

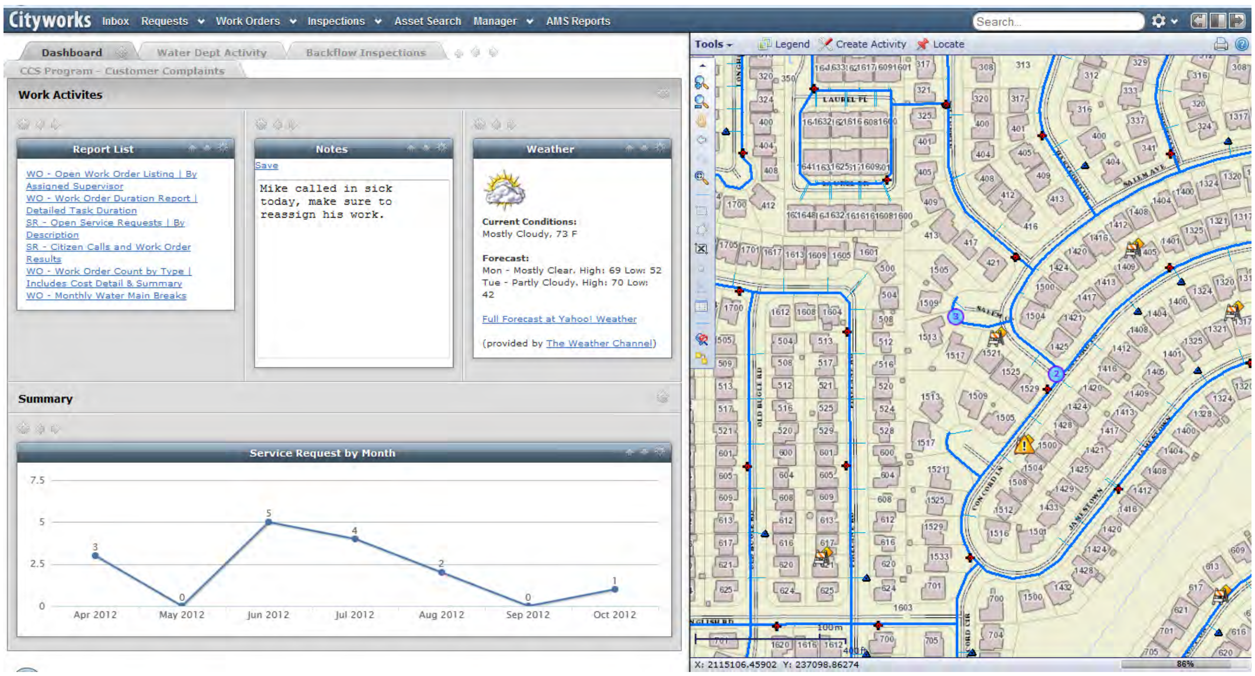
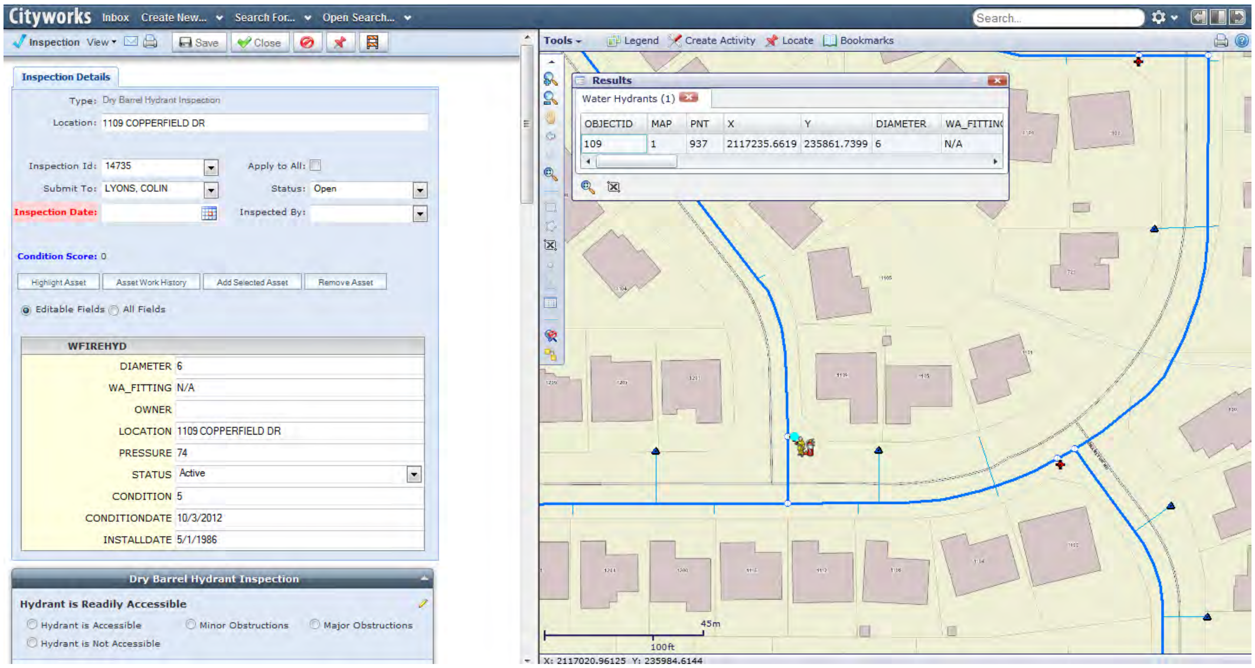


Exhibit B


Cityworks
Inbox
Create New...
Search For...
Open Search...
Search...
Inspection
View
Save
Close
Inspection Details
Type: Dry Barrel Hydrant Inspection
Location: 1109 COPPERFIELD DR
Inspection Id: 14735
Apply to All:
Submit To: LYONS, COLIN
Status: Open
Inspection Date:
Inspected By:
Condition Score: 0
Highlight Asset
Asset Work History
Add Selected Asset
Remove Asset
Editable Fields
All Fields
WFIREHYD
DIAMETER 6
WA_FITTING N/A
OWNER
LOCATION 1109 COPPERFIELD DR
PRESSURE 74
STATUS Active
CONDITION 5
CONDITIONDATE 10/3/2012
INSTALLDATE 5/1/1986
Dry Barrel Hydrant Inspection
Hydrant is Readily Accessible
Hydrant is Accessible
Minor Obstructions
Major Obstructions
Hydrant is Not Accessible
Tools
Legend
Create Activity
Locate
Bookmarks
Results
Water Hydrants (1)
OBJECTID MAP PNT X Y DIAMETER WA_FITTING
109 1 937 2117235.6619 235861.7399 6 N/A
45m
100ft
X: 2117020.96125 Y: 235984.6144

City Council
Staff Report

Subject: 264 Ontario Avenue Subdivision
Author: Kirsten Whetstone, MS, AICP
Application: PL-12-01628
Date: October 25, 2012
Type of Item: Administrative – Plat Amendment

PARK CITY 1884 PLANNING DEPARTMENT

Summary Recommendations

Staff recommends that the City Council review the plat amendment, conduct a public hearing, and consider approving the 264 Ontario Avenue Subdivision plat amendment according to the findings of fact, conclusions of law, and conditions of approval outlined in the attached ordinance.

Topic

Applicant:	David and Patricia Constable, Owners
Location:	264 Ontario Avenue
Zoning:	Historic Residential Low Density (HRL)
Adjacent Land Uses:	Residential
Reason for Review:	Plat amendments require Planning Commission review and City Council approval

Proposal

The applicant is requesting a plat amendment to combine Lots 13, 14, 15 and a portion of Lot 16, Block 60, of the Park City Survey, into one lot of record for an existing "Landmark" Structure located on this property. The house was constructed across property lines and encroaches into the platted Ontario Avenue right-of-way. The applicant desires to construct an addition to the existing historic house. Approximately 96 sf of lot area will be dedicated as McHenry Avenue right-of-way (ROW) and an encroachment easement on Ontario Avenue will be recorded for the existing house and retaining walls.

Purposes of the HRL District

The purposes of the Historic Residential Low-Density (HRL) District are to:

(A) Reduce density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity,
(B) Provide an Area of lower density Residential Use within the old portion of Park City,
(C) Preserve the character of Historic residential Development in Park City,
(D) Encourage the preservation of Historic Structures,
(E) Encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods.

(F) Establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment, and
(G) Define Development parameters that are consistent with the General Plan policies for the Historic core.

Background

On August 1, 2012, the City received an application for a plat amendment for the property at 264 Ontario Avenue. The application was deemed complete on August 10, 2012. The plat amendment combines Lots 13, 14, and 15 with a portion of Lot 16, Block 60, of the Park City Survey, into one lot of record for an existing Landmark house (Exhibit A- proposed plat). The resulting lot of record contains 5,677.45 sf. The total property size is 5,773.45 sf and 96 sf will be dedicated with the plat amendment for McHenry Avenue ROW. The proposed lot is 75' wide and 70' deep.

The proposed lot fronts on platted Ontario Avenue to the west. Paved Ontario Avenue is approximately sixteen feet (16') wide and is located entirely outside of the platted ROW in this area. The existing Landmark house, historic porch, and non-historic shed at 264 Ontario encroach up to eight and a half (8 ½) feet into the platted Ontario ROW (Exhibit B- existing conditions).

Platted Ontario Avenue is located on a 45% slope that makes up the front yard of 264 Ontario. The proposed lot also has frontage on existing, paved McHenry Avenue to the east. McHenry Avenue is approximately thirteen feet (13') wide in this location and is also not located within the platted McHenry ROW in this area.

The existing house is listed on the Park City Historic Sites Inventory as a "Landmark" structure. The house was constructed in or around the year of 1890. The existing house crosses over the northerly property line of lot 14 onto adjacent lot 15 and across the southerly property line of Lot 14 onto adjacent lot 13, and also encroaches onto the platted Ontario Avenue. All of the property is owned in common by the owner of the historic structure at 264 Ontario Avenue. The owner does not propose to move the house. The shed is not indicated on the Sanborn maps.

The applicant desires to build an addition to the rear of the Landmark house but cannot do so without a plat amendment to remove internal lot lines that go through the existing house. A plat amendment must be approved and recorded prior to issuance of a building permit. Additionally, a Steep Slope Conditional Use Permit application will be required for construction of more than 1,000 sf because the property exceeds thirty percent (30%) slope.

The property is located within the Historic Residential Low Density (HRL) zoning district. All future applications for construction of an addition must comply with the Land Management Code (LMC) and the Park City Historic District Design (HDDR) Guidelines.

On October 10, 2012, the Planning Commission conducted a public hearing, discussed the plat amendment application, and voted unanimously to forward a positive recommendation to the City Council (see Exhibit H- draft PC meeting minutes). No public input was provided at the meeting.

Analysis

The application is a plat amendment to create one lot of record at 264 Ontario Avenue. The existing Landmark structure has existed across the lot lines since it was constructed in or around the year of 1890.

The proposed plat amendment will create one lot of record that is seventy five feet (75') wide by seventy (70') deep. Lot depth is the minimum distance between the front and rear property line and because of the proposed ROW dedication the south property line is seventy (70') deep. The area of the proposed lot is 5,677.45 square feet (this does not include the ninety six (96) square feet of area to be dedicated for McHenry Avenue). The minimum lot size in the HRL zoning district is 3,750 square feet. The minimum lot width in the HRL zone is thirty five feet (35'); measured fifteen feet back from the Front lot line.

The following table explains the site requirements for lots within the HR-1 zoning district and how the proposals comply with the zoning regulations:

Required	Proposed Lot
Lot Size: Minimum 3,750 square feet	5,677.45 square feet- complies with minimum required. Does not include ROW.
Density: Minimum lot size for single family dwelling is 3,750 square feet and duplexes are not allowed.	One single family dwelling- complies and is an allowed use.
Front yard. The minimum front yard is ten feet (10').	Existing historic home encroaches 8.5 feet over the front property line- this is an existing legal non-complying setback.
Rear yard. The minimum rear yard is ten feet (10').	Existing historic home is 55' from rear lot line and complies with the minimum of 10'.
Side yard. The minimum side yard is 5 feet (5') with a combined minimum of 18 feet (18').	Existing historic home is 10 feet from the north side lot line- complies. The existing historic home is 25' from the south side lot line- complies.
Footprint: based on 5,677.45 sf lot is 2,064 sf.	2,064 sf maximum footprint. The existing historic home has a footprint of 793 sf. Maximum additional footprint is 1,271 sf subject to HDDR and Steep Slope CUP.

Footprint/House Size Analysis

The maximum footprint for the lot combination (based on the proposed lot size as permitted by the LMC) is 2,064 sf. The existing historic house has a footprint of 793 square feet, not including the porch. The total permitted additional footprint is 1,271 sf. The plat amendment is consistent with the purposes of the zone to combine lots, decrease the overall density, and preserve the historic home in its existing location. Other plat amendments in the neighborhood have resulted in similar or larger maximum footprints and have not been further restricted by a condition of the plat, but required to comply with the footprint that results from the footprint formula in the LMC (see Table 1). In this area, the average footprint of combined lots greater than the standard 3,750 sf, is 2,283 sf

The total actual amount of footprint and floor area of any future addition is subject to Historic District Design Review and Steep Slope CUP approval. The applicant has hired an architect to begin designing an addition and has been before the Design Review Team with a pre-HDDR application; however no Steep Slope CUP or HDDR applications have been submitted. The LMC in the HRL zone limits setbacks, building footprint, building height, and maximum number of stories. Additionally, the Steep Slope CUP criteria indicate that an adverse impact could be mitigated by a house size reduction. Given the existing location of the historic structure and the setbacks established with the plat amendment Staff finds that the lot combination would not result in a significantly larger footprint than exists in this neighborhood and is less than the average footprint of larger combined lots in the neighborhood (Exhibit C). Staff finds that the plat amendment complies with the Land Management Code.

Table 1 – Footprint/House Size Analysis

Plat name	Map letter	Address	Total Lot Area (sf)	Allowed Footprint per LMC (sf) per Lot	Restricted Footprint per Plat (sf)
Thomas & Dickens Sub	A	265/275 Ontario	Lot 1- 4,081 Lot 2- 3910 ROW-1,788	1,623 1,570	n/a
308 Ontario Subdivision	B	308 Ontario	Lot 1- 5,387	1,991	n/a*
321 McHenry Subdivision	C	321 McHenry	Lot 1- 4,610	1,779	n/a
331 McHenry Subdivision	D	331 McHenry	Lot A- 8,345 Lot B- 3,750 Lot C- 3,750	2,610 1,518 1,518	n/a n/a n/a
335 McHenry Replat	E	335 McHenry	Lot 1- 9,603	2,795	n/a
Baer Subdivision	F	253 McHenry	Lot 1- 3,657 ROW- 2,843 Total- 6,500	2,256	2,256**
Ivers/Baer Replat	G	235 McHenry, et all	Lot 1- 3,750 Lot 2- 6,430 Lot 3- 6,078	1,518 2,241 2,161	n/a n/a n/a
Rossie Hill Subdivision	H	310-350 McHenry	Lot 1- 15,324 Lot 2- 5,908 Lot 3- 9,606 Lot 4- 7,684	3,238 2,119 2,799 2,494	3,118*** n/a 2,627 2,383
264 Ontario Subdivision		**264 Ontario**	**Lot 1- 5,677 ROW- 96 sf Total- 5,773**	**2,064 (not including the dedicated ROW area)**	**n/a******

* n/a indicates that the footprint was not restricted with the plat amendment.
** Plat allows footprint to be based on lot size plus dedicated ROW, then utilize the LMC formula.
*** Restricted due to a platted non-disturbance area that didn't count into footprint calculations.
**** Average footprint of re-platted lots (of lots greater than 3,750 sf), in this area, is 2,283 sf. The average footprint for all re-platted lots within these replats is 2,140 sf.

Good Cause
"Good cause", is defined in the Land Management Code as "Providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and Park City and furthering the health, safety, and welfare of the Park City community." Conditions of approval, stipulated to by the applicant, further enhance the good cause and preserve the character of the neighborhood.

Staff finds good cause for this plat amendment as it will combine all of the property owned by the owner at this location; dedicate property and snow storage easements for McHenry Avenue, decrease density by combining lots and resolve encroachment issues created by the existing house.

Process
This application combines the property associated with the existing historic house and removes interior property lines that the house was constructed over. This process does not approve any future construction. Prior to issuance of any building permits, the applicant would have to submit a Historic District Design Review application, requiring noticing of the adjacent property owners. A Steep Slope Conditional Use Permit (CUP) application is also required per the LMC for any construction of more than 1,000 square feet of floor area on a slope of 30% or greater. The applicant has hired an architect to design the addition and has been before the Design Review Team with a pre-HDDR; however no CUP or HDDR applications have been submitted yet. Approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

Department Review
The Planning Department has reviewed this request. The request was discussed at Internal Development Review meetings where representatives from local utilities and City Staff were in attendance. There are no outstanding issues regarding this plat amendment that are not addressed by the conditions of approval.

Notice
Notice of this hearing was sent to property owners within 300 feet and the property was posted fourteen days in advance of the public hearing. Legal notice was also published in the Park Record.

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

Alternatives
- **Approve:** The City Council may approve the 264 Ontario Avenue Subdivision as conditioned; or
- **Deny:** The City Council may deny the 264 Ontario Avenue Subdivision and

direct staff to make Findings for this decision and return at a date certain; or

- **Modify:** The City Council may amend the 264 Ontario Avenue Subdivision; or
- **Continue:** The City Council may continue the discussion on the 264 Ontario Avenue Subdivision to a date certain and provide staff and the applicant with direction as to any additional information requested in order to make a decision on this matter.
- **Do nothing:** This is not an option on an administrative application when the applicant has petitioned the City Council to take an action.

Significant Impacts

There are not significant impacts from the proposed subdivision.

Consequences of not taking the Recommended action

An addition could not be built across a property line and the encroachments would need to be addressed prior to issuance of building permits for any additional construction.

Recommendation

Staff recommends that the City Council review the plat amendment, conduct a public hearing, and consider approving the 264 Ontario Avenue Subdivision plat amendment according to the findings of fact, conclusions of law, and conditions of approval as outlined in the attached ordinance.

Exhibits

Ordinance
Exhibit A – Proposed plat
Exhibit B – Existing conditions survey
Exhibit C – Aerial
Exhibit D – Photos
Exhibit E – Draft minutes of the October 10th Planning Commission meeting

Ordinance No. 12-

AN ORDINANCE APPROVING THE 264 ONTARIO AVENUE SUBDIVISION COMBINING LOTS 13, 14, 15 AND A PORTION OF 16, BLOCK 60, OF THE PARK CITY SURVEY, INTO ONE LOT OF RECORD FOR 264 ONTARIO, LOCATED IN PARK CITY, SUMMIT COUNTY, UTAH

WHEREAS, the owner of the properties known as 264 Ontario Avenue, has petitioned the City Council for approval of a plat amendment combining Lots 13, 14, 15, and a portion of 16, Block 60 of the Park City Survey; and

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

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

WHEREAS, the Planning Commission held a public hearing on October 10, 2012, to receive input on the 264 Ontario Avenue Subdivision; and

WHEREAS, the Planning Commission, on October 10, 2012, forwarded a positive recommendation to the City Council; and

WHEREAS, on October 25, 2012, the City Council conducted a public hearing on the 264 Ontario Avenue Subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 264 Ontario Avenue Subdivision.

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 264 Ontario Avenue 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 264 Ontario Avenue within the Historic Residential Low (HRL) zoning district.
2. On August 1, 2012, the property owner submitted an application to the Planning Department for the proposed plat amendment.
3. The application was deemed complete on August 10, 2012.
4. The plat amendment combines Lots 13, 14, and 15 with a portion of Lot 16, Block 60, of the Park City Survey, into one lot of record for an existing Landmark house.
5. The proposed plat amendment will create one (1) lot of record that is seventy five feet (75’) wide by seventy feet (70’) feet deep. The minimum lot

width in the HRL zone is thirty five feet (35’). The lot depth is the minimum distance from the front property line to the rear property line.

6. The area of the proposed lot is 5,677.45 sf (5,773.45 square feet minus 96 square feet of area dedicated to the McHenry Avenue ROW). The minimum lot size in the HRL zoning district is 3,750 square feet.
7. There is an existing historic Landmark structure on the property that is listed on the Park City Historic Sites Inventory.
8. The Landmark structure was constructed in or around the year 1890 across lot lines between Lots 13 and 14. A non-historic lean-to shed crosses from Lot 14 to 15, Block 60 of the Park City survey. The house encroaches onto platted Ontario Avenue.
9. The applicant cannot obtain a building permit to build an addition to the historic house if it crossing an internal lot line. A plat amendment must be recorded prior to issuance of a building permit for a future addition.
10. The owner is not proposing to move the house from its existing location.
11. The property has frontage on platted Ontario Avenue and existing McHenry Avenue.
12. A 96 square foot portion of McHenry Avenue exists on the subject property.
13. The porch and front of the Historic Structure encroaches up to eight and a half (8 ½) feet into the platted Ontario Avenue ROW.
14. Maximum footprint allowed on the lot is 2,064 square feet. The footprint of the existing landmark structure is 793 square feet.
15. The neighborhood is characterized by a mix of single family historic homes and single family non-historic homes on single and combinations of “Old Town” lots. The average footprint of re-platted lots greater than 3,750 sf, in the surrounding area is 2,283 square feet per the findings in Table 1.
16. The lots are situated on narrow streets, namely, Ontario Avenue and McHenry Avenue which are not located within their respective platted rights-of way. There is little or no available on-street parking in this neighborhood. Snow removal from McHenry may put snow onto the first 10’ of the proposed lot fronting McHenry. Snow removal from Ontario occurs onto platted Ontario Avenue and therefore no snow storage easements on the lot area fronting Ontario are necessary. Paved Ontario is twenty feet below and forty (40’) to sixty (60’) to the west of the proposed lot.
17. All findings within the Analysis section are incorporated herein.

Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. The public will not be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.

Conditions of Approval

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with the Land Management Code and conditions of approval prior to recordation of the plat amendment.
2. The applicant will record the plat amendment at the County within one year

from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. The plat must be recorded prior to issuance of a building permit for any additions to the historic structure.
4. A 10 foot wide public snow storage easement will be located along the property's frontage with McHenry Avenue. The easement shall be indicated on the final plat.
5. Modified 13-D sprinklers will be required for all new construction and noted on the plat.
6. An encroachment easement into Ontario Avenue, for the existing historic house, porch, shed, and retaining walls, shall be recorded and the recording information shall be indicated on the final plat, prior to recordation of this plat amendment.
7. Approximately ninety-six (96) square feet of property shall be dedicated to Park City as McHenry Avenue ROW and shall be so indicated on the final plat.

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

APPROVED AND ADOPTED this _____ day of October 2012.

PARK CITY MUNICIPAL CORPORATION

____

Dana Williams, Mayor

Attest:

____

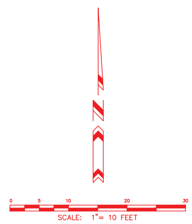
Janet M. Scott, City Recorder

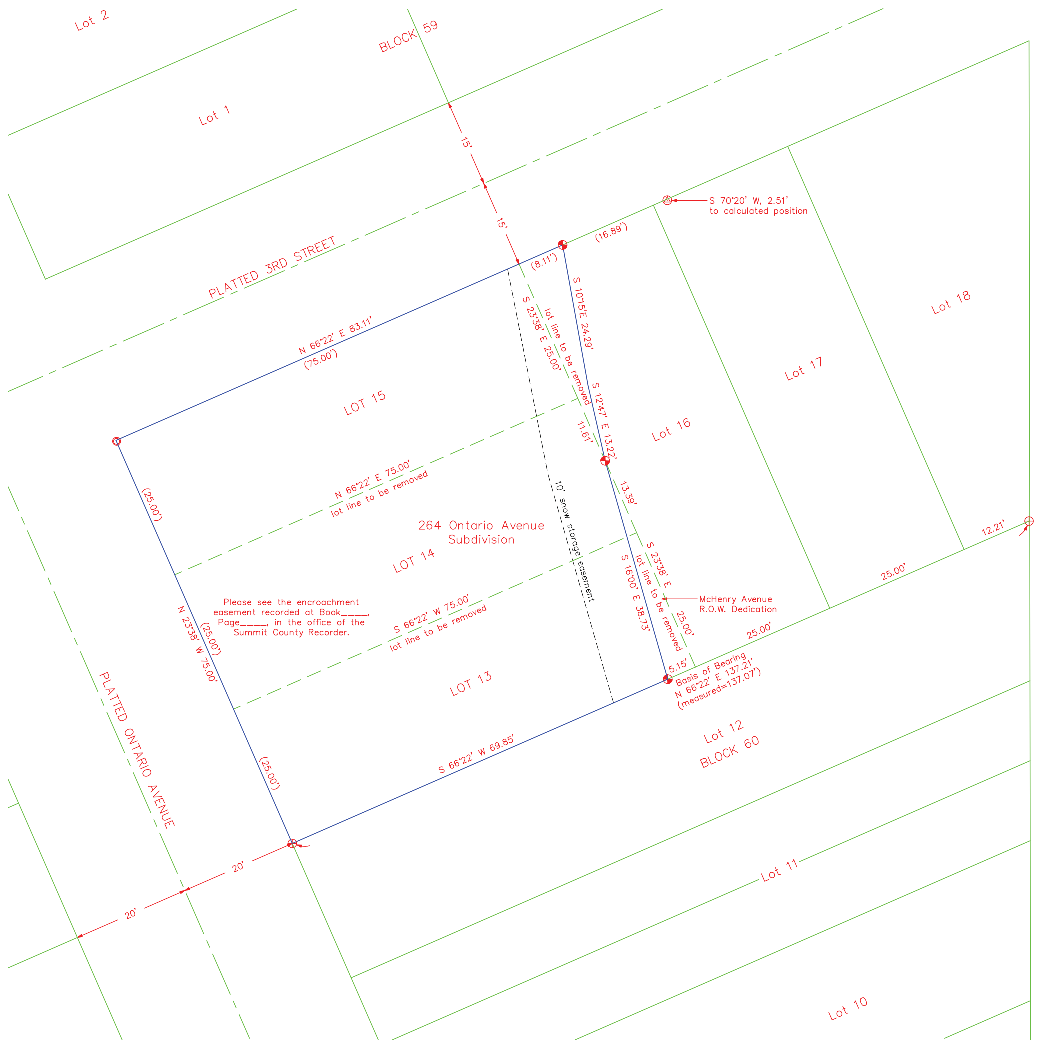
Approved as to form:

____

Mark D. Harrington, City Attorney

264 Ontario Avenue Subdivision
a replat of Block 60, Lots 13, 14, 15 and a portion of Lot 16





<u>Legend</u>

- ⊕ Found rebar & cap–LS 359005
- Found rebar & cap–LS 154491
- ○ Found 5/8" rebar–no cap
- Set 5/8" rebar & plastic cap

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents that David E. and Patricia J. Constable, the undersigned owners of the hereon described 264 Ontario Avenue Subdivision, Block 60, Park City Survey, having caused this Plat Amendment to be made do hereby consent to the recordation of this Record of Survey Plat in the office of the County Recorder of Summit County, Utah in accordance with Utah Law.
Also, the owners hereby irrevocably offer for dedication to the City of Park City all the streets, land for local government uses, utilities and easements shown on the plat in accordance with an irrevocable offer of dedication.
In witness whereof, the undersigned have set their hand this _____ day of ____________, 2012.

By: ________________________ ________________________
David E. Constable Patricia J. Constable

ACKNOWLEDGEMENT

STATE OF UTAH
County of Summit:

On this ____ day of_________, 2012, David E. and Patricia J. Constable personally appeared before me, the undersigned Notary Public in and for said State and County, who after being duly sworn, acknowledged to me that they are the owners of 264 Ontario Avenue Subdivision, that they have signed the above Owner's Dedication and Consent to Record freely and voluntarily for the purpose set forth hereon.

My commission expires: ___________ ___________________________
NOTARY PUBLIC
RESIDING IN _______ COUNTY,_____

NARRATIVE

1. Survey requested by: David E. & Patricia J. Constable.
2. Basis of survey: found property monuments as shown.
3. Date of survey: June 28, 2012.
4. Property monuments set or found as shown.
5. Located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
6. The owners of the property should be aware of any items affecting the property that may appear in a title insurance report.
7. Based on the previous boundary survey recorded as Survey File No. S-5617 in the office of the Summit County Recorder.

DEED DESCRIPTION

All of Lots 13, 14, 15, and that part of Lot 16, situated Westerly of existing roadway, Block 60, Park City Survey, according to the official plat thereof, on file and of record in the office of the Summit County Recorder.

LEGAL DESCRIPTION

264 ONTARIO AVENUE SUBDIVISION

Beginning at the northwest corner of Lot 15, Block 60, Park City Survey, according to the official plat thereof, on file and of record in the office of Recorder, Summit County, Utah; and running thence along the northerly line of Lots 15 and 16 and the southerly right of way line of 3rd Street, North 66°22'00" East, 83.11 feet to a point on the westerly edge of existing McHenry Avenue; thence along said westerly edge of existing McHenry Avenue, the following three courses: 1) South 10°15'00" East, 24.29 feet; thence 2) South 12°47'00" East, 13.22 feet to a point on the easterly line of Lot 14, Block 60; thence 3) South 16°00'00" East, 38.73 feet to a point on the southerly line of Lot 13, Block 60; thence along said southerly line of Lot 13, South 66°22'00" West, 69.85 feet to the southwest corner of said Lot 13; thence along the westerly line of said Lots 13, 14 and 15 and the easterly right of way line of Ontario Avenue, North 23°38'00" West, 75.00 feet to the Point of Beginning; containing 0.13 acres, more or less.

SURVEYOR'S CERTIFICATE

I, J.D. Gailey, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the hereon described property and that this plat is a true representation of said survey.

_________________ ____________________________
Date J.D. Gailey RLS#359005

EXHIBIT A

Alpine Survey, Inc.
19 Prospector Drive
Park City, Utah 84060
(435) 655-8016

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF ________, 2012.
BY: ________________________
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____DAY OF _______, 2012
BY ________________
CHAIRMAN

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ______ DAY OF ___________, 2012
BY ________________
PARK CITY ENGINEER

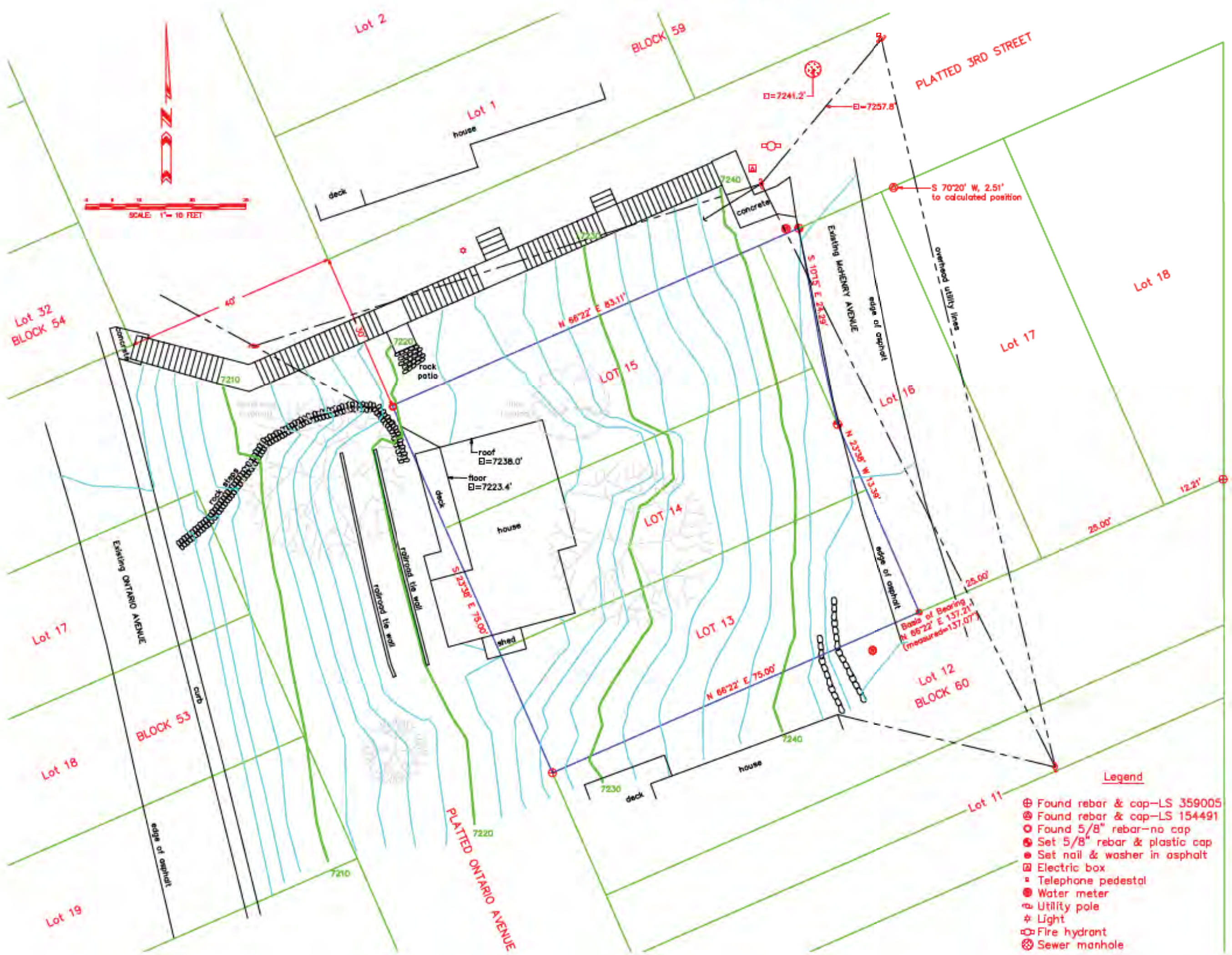
APPROVAL AS TO FORM
APPROVED AS TO FORM THIS _____ DAY OF ___________, 2012
BY ________________
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _________, 2012
BY ________________
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _______,m 2012
BY ________________
MAYOR

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ____________________
DATE ________ TIME ______ BOOK ______ PAGE ______
__________ ________________
FEE RECORDER

Park City Survey
Block 60, Lots 13, 14, 15
and a portion of Lot 16



NARRATIVE

1. Survey requested by: David Constable.
2. Purpose of survey: locate the deed description, the improvements and the topographic relief.
3. Basis of survey: found property monuments as shown.
4. Date of survey: June 28, 2012.
5. Property monuments set or found as shown.
6. Located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
7. See the official plats of The Park City Survey for other possible easements, restrictions or setbacks.
8. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report.
9. The elevation of 7161.75 feet at the Street Monument at the intersection of 4th Street and Ontario Avenue, according to the Park City Monument Control Map, is the basis of the elevations for this survey.
10. See the previous survey of the property recorded as Survey File No.S-5617 in the office of the Summit County Recorder.

DEED DESCRIPTION

All of Lots 13, 14, 15 and that part of Lot 16 situated westerly of existing roadway, Block 60, Park City Survey, according to the official plat thereof, on file and of record in the office of the Summit County Recorder.

SURVEYOR'S CERTIFICATE

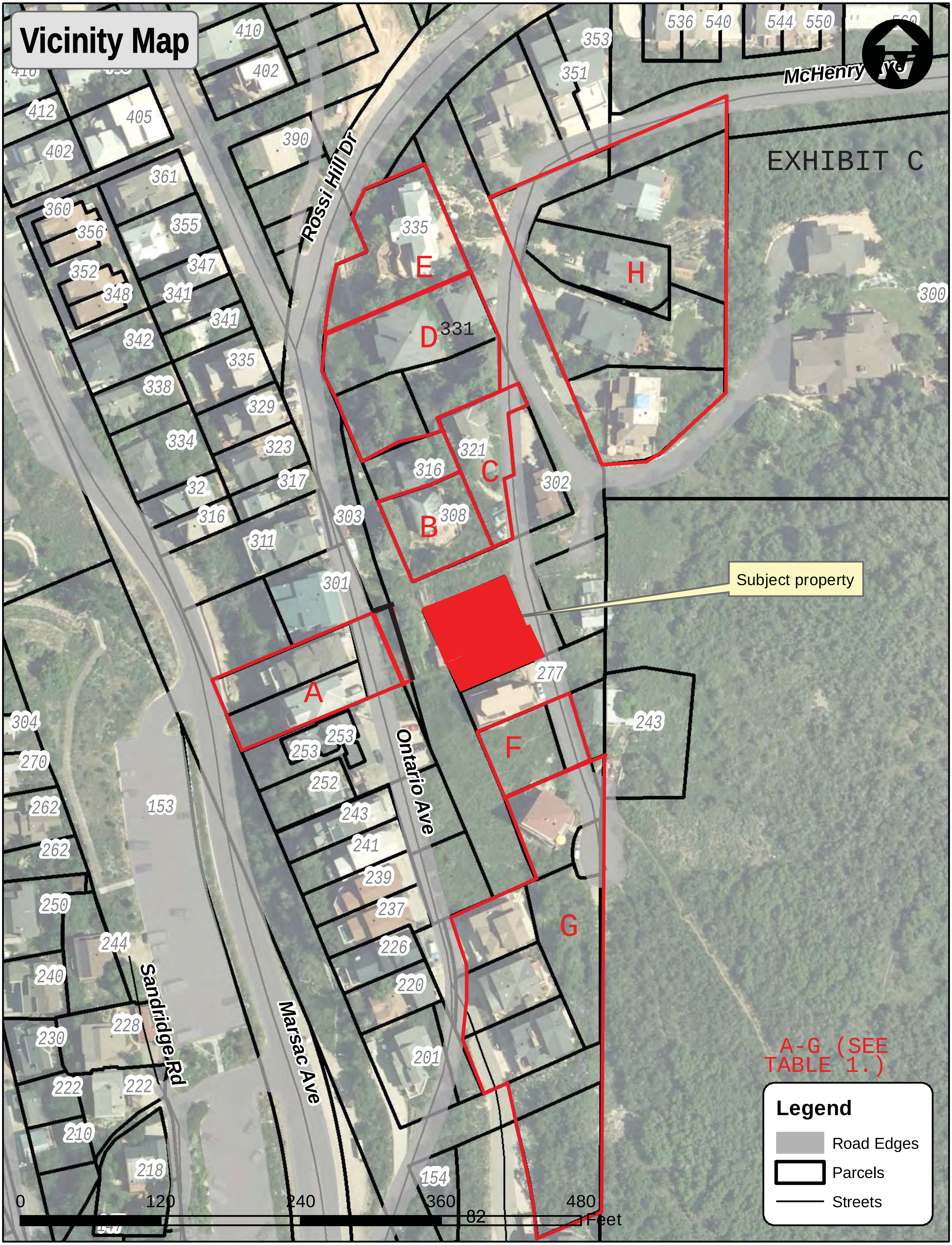
I, J.D. Galley, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the hereon described property and that this plat is a true representation of said survey.

__________ Date

__________ J.D. Galley RLS#359005

Alpine Survey, Inc.
19 Prospector Drive
Park City, Utah 84060
(435) 655-8016

EXHIBIT B


Vicinity Map
EXHIBIT C
Subject property
A
B
C
D
E
F
G
H
A-G (SEE TABLE 1.)
Rossi Hill Dr
McHenry Ave
Ontario Ave
Marsac Ave
Sandridge Rd
410
402
412
405
402
390
361
360
356
355
352
347
348
341
341
342
335
338
329
334
323
32
317
316
311
303
301
335
331
321
316
308
302
277
253
253
252
243
241
239
237
226
220
201
154
243
300
353
351
536
540
544
550
304
270
262
262
153
250
244
240
228
230
222
222
210
218
Legend
Road Edges
Parcels
Streets
0
120
240
360
480
Feet

EXBHIT D


264

PARK CITY MUNICIPAL CORPORATION EXCERPT
PLANNING COMMISSION MEETING MINUTES DRAFT MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
OCTOBER 10, 2012

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Brooke Hontz, Jack Thomas, Mick Savage, Adam Strachan, Charlie Wintzer

EX OFFICIO:

Thomas Eddington, Planning Director; Kirsten Whetstone, Planner; Francisco Astorga, Planner;

Polly Samuels McLean, Assistant City Attorney

==

REGULAR MEETING

ROLL CALL

Chair Worel called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except Commissioner Gross, who was excused.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. <u>264 Ontario Avenue – Plat Amendment</u>
(Application #PL-12-01628)

Commissioner Wintzer disclosed that he lives in the neighborhood; however, he did not believe that would affect his decision on this plat amendment.

Planner Whetstone reviewed the application for a plat amendment to combine three lots and small portion of a fourth lot of Block 60 of the Park City Survey, located at 264 Ontario Avenue. The request was to combine the lots into one lot of record for an existing landmark structure. The existing house has been designated as a Landmark structure on the Historic Sites Inventory. The house was constructed across property lines and the applicant owns all three lots, as well as the small portion.

Planner Whetstone presented the existing conditions survey. She indicated a large slope on the edge of Ontario that goes all the up and noted that the porch and a portion of the house sits in the platted right-of-way. She pointed out the location of existing McHenry and noted that some of the existing paved McHenry sits on Lots 14 and 15.

The property is in the HRL zone, which requires a minimum combination of two lots. The zone also requires that any future applications go through a Historic District Design Review. If the slope is 30% or greater and the applicant proposes more than 1,000 square feet, a Steep Slope CUP would be required. Planner Whetstone stated that the maximum footprint for this particular lot combination is 2,064 square feet. The combined lots would be 5,677 square feet. The existing house has a footprint of 793 square feet, which does not include the porch. The total additional footprint is 1,271 square feet.

The Staff did an analysis of lot combinations in the area and found that most of the lot combinations that exceed 3750 square feet did not have a restricted footprint. The lot with a restricted footprint in the Bear Subdivision was 6500 square foot. Planner Whetstone clarified that the footprint was restricted because it took out the right-of-way. Therefore, the size was based on the lot and not the right-of-way. Planner Whetstone stated that the average of the lots greater than 3750 square feet and went through a plat amendment was 2,280 square feet. The applicants were proposing 2,064 square feet. The average footprint of all the replatted lots, including the ones that are 3750, is 2,140.

Planner Whetstone noted that based on a formula in the Code for the entire zone, as the lot size increases the footprint increases at a decreasing rate. The Staff recommended that the footprint be based on the lot formulate in the Code for the HRL zone.

Commissioner Hontz asked if the hatched area shown on the subject property should also include the one lot to the south. From looking at the existing conditions slide, it appeared that the three lots included that portion. Planner Whetstone agreed that it should be included.

Commissioner Hontz asked if the City still maintains the right-of-way on McHenry Avenue in that area. Director Eddington replied that the right-of-way has not been vacated. Planner Whetstone distributed copies of a revised plat showing the right-of-way that was proposed to be dedicated. She noted that the lot size did not include the dedicated area and the footprint would not be based on the dedicated right-of-way.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for the 264 Ontario Avenue Subdivision plat, according to the findings of fact, conclusions of law and conditions of approval outlined in the draft ordinance.

David Constable, the applicant, stated that he has owned the property for 12 years and up to this point they have had good tenants. It has typically been a low-income situation. He and his wife currently live on Deer Valley Drive and they would like to move forward with this project. Mr. Constable believes it will be a benefit to the neighborhood and the size will be compatible. Since it is historic it will fit with the neighborhood. He stated that currently three tenants live on the property and all three park on Ontario. If his project is completed, it will remove some of the cars off of Ontario and put parking on McHenry. Mr. Constable believed the McHenry access would benefit Ontario.

Commissioner Strachan referred to page 42 of the Staff report showing the subject property crosshatched in red and Lot A west of the subject property. He wanted to know what had occurred with that lot in terms of the encroachment on to Ontario Avenue. Planner Whetstone indicated the area from that subdivision that was dedicated to Ontario. Commissioner Strachan asked how that affected the porch of this landmark structure because it was also encroaching. Planner Whetstone stated that an encroachment agreement would be required. Director Eddington clarified that the City would not give up public property. The intent would be to record the encroachment agreement.

Commissioner Strachan stated that he was looking towards the future because many other lots in the area have the same issue.

Commissioner Hontz asked if there would be no need for a further right-of-way beyond the edge of the asphalt on McHenry. City Engineer Cassel stated that additional right-of-way would not be necessary. The intent is to establish McHenry and keep it the way it is. There is no future plan to expand the width of McHenry. Commissioner Hontz pointed out that McHenry is a very narrow street.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Hontz remarked that this was a fantastic landmark structure and she believed the lot combination would help the applicant improve and preserve the structure. However, she was concerned about what they could see in the Steep Slope CUP and hoped that it would be reasonable. Commissioner Hontz noted that the Planning Commission has seen a number of applications where another structure, such as an accessory building, comes in with multiple stories; and/or the main house also goes up in size creating a cascading creep up the hill. She asked if that issue should be addressed at this point. Commissioner Hontz thought it made better sense to come in from McHenry and have one story above ground. It would fit well on the site versus something taller.

Commissioner Hontz noted that there was no recommendation or condition of approval that prohibits moving the house. She believed one of the attractions of the lot is that the house is in the right location. Planner Whetstone replied that it was included as a condition but it was apparently redlined out.

Director Eddington remarked that because the structure is listed on the Historic Sites Inventory as a Landmark structure it cannot be relocated unless it qualifies for movement based on an assessment by the Chief Building Officer and deemed unsafe or has threatening conditions. This particular structure does not qualify for movement.

Commissioner Hontz asked if they could add language indicating that the structure does not qualify for movement. Assistant City Attorney McLean stated that the process and decision regarding movement of the house is the purview of the Historic Preservation Board review. It was not part of this process.

Commissioner Thomas was comfortable with the conditional use permit process on steep slopes. Given the experience and expertise of the project architect, he was sure the applicant and his architect could come up with a design that is compatible with the historic nature of the building.

Commissioner Wintzer was concerned about potential stories given the number of recent applications with a three-story structure behind an existing three-story structure. He believed it was an issue worth discussing. Commissioner Wintzer suggested that one story above street and one story below street would be a large enough garage and it would resolve the concerns of a third story creep.

Chair Worel thought that would be addressed in the CUP process. Commissioner Wintzer pointed out that if it is allowed the Planning Commission would not have the opportunity to control it. Commissioner Strachan stated that the only tool would be to restrict the footprint. Commissioner Wintzer replied that restricting the height of the accessory structure would address the concern. Commissioner Strachan remarked that the height could also be restricted in the CUP process. Commissioner Wintzer concurred. Commissioner Thomas stated that the CUP process was the appropriate time to address those issues.

Commissioner Hontz pointed out that David White, the project architect, was the architect for another project where the number of stories was an issue. She believed Mr. White was was well aware of the Planning Commission's position based on those discussions.

Commissioner Strachan felt it was a common problem with this section of the Land Management Code because Good Cause is a worthless standard. He noted that the LMC defines Good Cause as, "Providing positive benefits and mitigating negative impacts determined on case by case basis." Commissioner Strachan thought the Planning Commission should have a broader discussion at another time about whether or not the LMC should be amended regarding this issue. However, for this application he believed there was good cause for the plat amendment.

Commissioner Wintzer stated that from living in the neighborhood he also sees the plat amendment as a positive. He clarified that the comments regarding stories was not directed to the neighborhood. It was a broader context based on past experience. If they open the door to allow an accessory building, the question is whether or not to restrict the size.

Commissioner Strachan stated that he views the neighborhood as two sections, where the west side of Ontario is a classic Old Town 25' x 75' lots and the east side is not. For whatever reason, the two sides were designed differently and they have not evolved the same. Commissioner Strachan thought the CUP process was the appropriate time to look at ways to make the project compatible with both sides of the street because they are different.

MOTION: Commissioner Thomas moved to forward a POSITIVE recommendation to the City Council for the plat amendment at 264 Ontario Avenue Subdivision in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval as outlined in the attached ordinance. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

<u>Finding of Fact – 264 Ontario Avenue</u>

1. The property is located at 264 Ontario Avenue within the Historic Residential Low (HRL) zoning district.

2. On August 1, 2012 the property owner submitted an application to the Planning Department for the proposed plat amendment.

3. The application was deemed complete on August 10, 2012.

4. The plat amendment combines Lots 13, 14, and 15 with a portion of Lot 16, Block 60, of the Park City Survey, into one lot of record for an existing Landmark house.

5. The proposed plat amendment will create one (1) lot of record that is seventy five feet (75') wide by seventy fee (70') feet deep. The minimum lot width in the HRL zone is thirty five feet (35'). The lot depth is the minimum distance from the front property line to the rear property line.

6. The area of the proposed lot is 5,677.45 sf (5,773.45 square feet minus 96 square feet of area dedicated to the McHenry Avenue ROW). The minimum lot size in the HRL zoning district is 3,750 square feet.

7. There is an existing historic Landmark structure on the property that is listed on the Park City Historic Sites Inventory.

8. The Landmark structure was constructed in or around the year 1890 across lot lines between Lots 13 and 14. A non-historic lean-to shed crosses from Lot 14 to 15, Block 60 of the Park City survey. The house encroaches onto platted Ontario Avenue.

9. The applicant cannot obtain a building permit to build an addition to the historic house if it crosses an internal lot line. A plat amendment must be recorded prior to issuance of a building permit for a future addition.

10. The owner is not proposing to move the house from its existing location.

11. The property has frontage on platted Ontario Avenue and existing McHenry Avenue.

12. A 96 square foot portion of McHenry Avenue exists on the subject property.

13. The porch and front of the Historic Structure encroaches up to eight and a half (8-1/2) feet into the platted Ontario Avenue ROW.

14. Maximum footprint allowed on the lot is 2,064 square feet. The footprint of the existing landmark structure is 793 square feet.

15. The neighborhood is characterized by a mix of single family historic homes and single family non-historic homes on single and combinations of "Old Tow" lots. The average footprint of re-platted lots greater than 3,750 sf, in the surrounding area is 2,283 square feet per the findings in Table 1.

16. The lots are situated on narrow streets, namely Ontario Avenue and McHenry Avenue, which are not located within their respective platted rights-of-way. There is little or no available on-street parking in this neighborhood. Snow removal from McHenry may put snow onto the first 10' of the proposed lot front McHenry. Snow removal from Ontario occurs onto platted Ontario Avenue and therefore no snow storage easements on the lot area fronting Ontario are necessary. Paved Ontario is twenty feet below and forty (40') to sixty (60') to the west of the proposed lot.

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

Conclusions of Law – 264 Ontario Avenue

1. There is good cause for this plat amendment.

2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.

3. The public will not be materially injured by the proposed plat amendment.

4. As conditioned the pat amendment is consistent with the Park City General Plan.

Conditions of Approval – 264 Ontario Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with the Land Management Code and conditions of approval prior to recordation of the plat amendment.

2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. The plat must be recorded prior to issuance of a building permit for any additions to the historic structure.

4. A 10-foot wide public snow storage easement will be located along the property's frontage with McHenry Avenue. The easement shall be indicated on the final plat.

5. Modified 13-D sprinklers will be required for all new construction and noted on the plat.

6. An encroachment easement into Ontario Avenue, for the existing historic house, porch, shed and retaining walls shall be recorded and the recording information shall be indicated on the final plat, prior to recordation of this plat amendment.

7. Approximately ninety-six (96) square feet of property shall be dedicated to Park City as McHenry Avenue ROW and shall be so indicated on the final plat.

City Council Staff Report

Subject: Lot 1 Amended Hidden Hollow Subdivision at Deer Crest Plat
Project: PL-12-01637
Author: Kirsten Whetstone
Date: October 25, 2012
Type of Item: Administrative – Plat Amendment

PARK CITY 1884 PLANNING DEPARTMENT

Summary Recommendations

Staff recommends that the City Council hold a public hearing for the Lot 1 Amended Hidden Hollow Subdivision at Deer Crest plat amendment and consider approving the plat amendment based on the findings of fact, conclusions of law and conditions of approval as found in the attached ordinance.

Description

Applicant:	Madison Sterling Gulley, applicant and owner of Lot 1 Hidden Hollow for David and Noreen O'Brien, owners of Lot 140 Snowtop Subdivision
Location:	11398 North Snowtop Road
Zoning:	Estate (E)
Adjacent Land Uses:	Single Family Residential and Open Space.
Reason for Review:	Plat amendments require Planning Commission review and City Council approval

Proposal

This application is a request for a plat amendment to create a 3,452 sf driveway access parcel, "Parcel A", from Lot 1 of the Hidden Hollow Subdivision for the purpose of providing additional area to construct a code compliant driveway for an adjacent lot, namely, Lot 140 of the Snowtop Subdivision. The owner of Lot 1 (Hidden Hollow) has agreed to sell the driveway parcel to the owner of Lot 140 (Snowtop) for the purpose of constructing a driveway, retaining walls, and installing landscaping necessary for a certificate of occupancy for the house. "Parcel A" will be restricted to be used only as a driveway, with associated uses, and when platted, will have no density or further development capabilities associated said parcel. Lot 1 of Hidden Hollow will continue to be a lot of record and exceeds the minimum lot size. Although both are in the City limits, combining "Parcel A" with Lot 140 would create a lot that is within two different Counties (Summit and Wasatch) and is therefore not proposed.

Background

Lot 1 of the Hidden Hollow Subdivision at Deer Crest is a 9.45 acre, vacant single family lot, located at 11398 North Snowtop Road. The Hidden Hollow Subdivision was approved by the Park City Council on April 13, 2000. The subdivision plat was recorded on July 6, 2001 and is subject to Ordinance #00-27. The area of the Hidden Hollow

Subdivision was officially annexed into Park City as the “Hidden Hollow Annexation” on December 17, 1998. The annexation plat was recorded at Summit County on September 9, 1999.

Lot 140 of the Snowtop Subdivision is a 0.83 acre single family lot located at 11380 North Snowtop Road. The Snowtop Subdivision was approved by Wasatch County on December 15, 1998 and the plat was recorded on December 23, 1998. The entire subdivision was annexed into Park City with the Deer Crest Properties Annexation in 1999. Both lots are within the “Estate” (E) zone designation as reflected on the City’s official zoning map. North Snowtop Road is a private road with platted easements for joint use by residents of both the Hidden Hollow Subdivision and the Snowtop Subdivision.

A single family house is currently under construction on Lot 140. The current driveway exceeds the maximum grade of 14% and the City Engineer and Building Department require a code compliant driveway prior to issuance of a Certificate of Occupancy for the house. The driveway is currently being constructed with an approved building permit and a recorded construction easement from Lot 1 (Hidden Hollow) to Lot 140 (Snowtop).

On April 26, 2012, the Planning Department approved an administrative conditional use permit for the purpose of constructing retaining walls necessary for the driveway to be constructed by the owner of Lot 140. The conditional use permit was required because the retaining wall heights exceed four feet (4’) in the front yard setback and six feet (6’) in the side yard setback areas.

On October 10, 2012, the Planning Commission conducted a public hearing, discussed the plat amendment application, and voted unanimously to forward a positive recommendation to the City Council (see Exhibit E- draft minutes of the October 10th Planning Commission meeting). No public input was provided at the meeting.

Analysis

The proposed plat amendment does not change any of the allowed uses of the subject lots and each lot is allowed one single family dwelling, subject to the conditions of approval for each respective subdivision plat. Lot 1 of Hidden Hollow subdivision is a vacant parcel of property with entitlements for one single-family dwelling unit. A house is under construction on Lot 140 of Snowtop Subdivision as permitted by the Snowtop Subdivision.

The plat amendment reduces the lot area of Lot 1 from 9.37 acres to 9.29 acres and reduces the building envelop for Hidden Hollow Lot 1 from 38,018 sf to 34,940 sf in order to accommodate the driveway parcel. The plat amendment does not change Lot 140 of Snowtop Subdivision.

The driveway parcel, “Parcel A”, is not proposed to be combined with Lot 140 because said lot is in Wasatch County within the Snowtop Subdivision, and “Parcel A” is located in Summit County within the Hidden Hollow Subdivision. However, both subdivisions are located within the Park City Municipal Boundaries. Combining “Parcel A” with Lot 140 would create a lot that is within two different Counties causing issues with taxing, school districts, and other issues.

Staff recommends that a note be placed on the plat indicating that “Parcel A” is adjoined in ownership in perpetuity with Lot 140 of Snowtop Subdivision and is not separately developable. The development rights on “Parcel A” are limited to access to the home (driveway), retaining walls, landscaping and incidental accessory uses associated with a driveway, such as those indicated above (landscaping& retaining walls), mailboxes, address plaque, irrigation, etc. for Lot 140. The parcel cannot be used as a separate developable parcel for the construct an additional home or to count towards additional density.

Good Cause

“Good cause”, is defined in the Land Management Code as “Providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and Park City and furthering the health, safety, and welfare of the Park City community.” Conditions of approval, stipulated to by the applicant, further enhance the good cause and preserve the character of the neighborhood.

Staff finds good cause for this plat amendment. The amendment will allow the owner of Lot 140 to construct a code compliant driveway for access to the house currently under construction that is necessary prior to issuance of a Certificate of Occupancy. The plat amendment thereby cures the issue of the overly steep driveway. Both lots (Lot 1 and Lot 140) will have to abide by the setbacks required from each of the lots.

Process

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Recordation of this plat will allow the owner of Lot 140 to apply for a certificate of occupancy when construction of the house and driveway are complete. Recordation of this plat will allow the owner of Lot 140 to complete the purchase of Parcel A from the owner of Lot 1 Hidden Hollow Subdivision.

Department Review

This project has gone through an interdepartmental review. All of the issues raised by the Development Review Committee (DRC) have been addressed.

Notice

The property was posted and notice was mailed to property owners within 300 in accordance with the requirements in the LMC. Legal notice was also published in the Park Record.

Public Input
No public input was received by Planning Staff prior to the meeting and no public input was received at the October 10th Planning Commission meeting.

Alternatives
- **Approve:** The City Council may approve the Lot 1 Amended Hidden Hollow Subdivision at Deer Crest plat amendment as conditioned; or
- **Deny:** The City Council may deny the Lot 1 Amended Hidden Hollow Subdivision at Deer Crest plat amendment as conditioned and direct staff to make Findings for this decision and return at a date certain; or
- **Modify:** The City Council may amend the Lot 1 Amended Hidden Hollow Subdivision at Deer Crest plat amendment; or
- **Continue:** The City Council may continue the discussion on the Lot 1 Amended Hidden Hollow Subdivision at Deer Crest plat amendment to a date uncertain and provide staff and the applicant with direction as to any additional information requested in order to make a decision on this matter.
- **Do nothing:** This is not an option on an administrative application when the applicant has petitioned the City Council to take an action.

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

Consequences of not taking the recommended action
The driveway is currently being constructed with a building permit and a recorded construction easement from Lot 1 (Hidden Hollow) to Lot 140 (Snowtop). If the plat is not approved and recorded, the two property owners would have to agree to an encroachment agreement for the driveway or the driveway could not remain in its current location.

Recommendation
Staff recommends that the City Council hold a public hearing for the Lot 1 Amended Hidden Hollow Subdivision at Deer Crest plat amendment and consider approving the plat amendment 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 – Existing Plat of Hidden Hollow Subdivision
Exhibit C – Existing Plat of Snowtop Subdivision
Exhibit D – Recorded temporary construction easement agreement
Exhibit E – Draft minutes of the October 10th Planning Commission meeting

Ordinance No. 12-

AN ORDINANCE APPROVING THE LOT 1 AMENDED HIDDEN HOLLOW SUBDIVISION AT DEER CREST LOCATED AT 11398 NORTH SNOWTOP ROAD, PARK CITY, UTAH.

WHEREAS, the owners of property located at 11398 North Snowtop Road have petitioned the City Council for approval of the Lot 1 Amended Hidden Hollow Subdivision at Deer Crest; and

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

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

WHEREAS, the Planning Commission held a public hearing on October 10, 2012, to receive input on the proposed plat amendment; and

WHEREAS, the Planning Commission, on the aforementioned date, forwarded a positive recommendation to the City Council; and

WHEREAS; the City Council, held a public hearing on October 25, 2012; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Lot 1 Amended Hidden Hollow Subdivision at Deer Crest to provide a separate Parcel A for the construction of a driveway for an existing house under construction at Lot 140 of the Snowtop Subdivision.

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 Lot 1 Amended Hidden Hollow Subdivision at Deer Crest Plat Amendment 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, Lot 1 of Hidden Hollow Subdivision at Deer Crest, is located at 11398 North Snowtop Road. The property is located within the Estate (E) zone designation.
2. Lot 1 of the Hidden Hollow Subdivision at Deer Crest is a 9.37 acre, vacant single family lot, located at 11398 North Snowtop Road.
3. Hidden Hollow Subdivision at Deer Crest was approved by the Park City Council on April 13, 2000. The subdivision plat was recorded on July 6, 2001 and is subject to Ordinance #00-27. The area of the Hidden Hollow Subdivision was officially annexed

into Park City as the Hidden Hollow Annexation on December 17, 1998. The annexation plat was recorded at Summit County on September 9, 1999.

4. This plat amendment creates a 3,452 sf driveway access parcel, “Parcel A”, from Lot 1 of the Hidden Hollow Subdivision for the purpose of providing additional area for constructing a code compliant driveway for an adjacent lot, namely, Lot 140 of the Snowtop Subdivision, located at 11380 North Snowtop Road.
5. North Snowtop Road is a private road with platted easements for joint use by residents of both the Hidden Hollow Subdivision and the Snowtop Subdivision.
6. The Snowtop Subdivision was approved by Wasatch County on December 15, 1998 and the plat was recorded on December 23, 1998. The entire subdivision was annexed into Park City with the Deer Crest Properties Annexation in 1999.
7. A single family house is currently under construction on Lot 140 (Snowtop). The current driveway exceeds the maximum grade of 14% and the City Engineer and Building Department require a code compliant driveway prior to issuance of a Certificate of Occupancy for the house. The driveway is currently being constructed with a building permit and a recorded temporary construction easement from Lot 1 to Lot 140.
8. Hidden Hollow Subdivision Lot 1 will be reduced from 9.37 acres to 9.29 acres when this plat amendment is recorded. There are no other changes proposed to Lot 140 of the Snowtop Subdivision. Lot 1 continues to meet all zone requirements as to size.
9. “Parcel A” is restricted in use to a driveway, retaining walls, and landscaping and other minor and incidental uses associated with the home.
10. The driveway parcel, “Parcel A”, is not proposed to be combined with Lot 140 because Lot 140 is in Wasatch County within the Snowtop Subdivision, and “Parcel A” is located in Summit County within the Hidden Hollow Subdivision. Both subdivisions are located within the Park City Municipal Boundaries. Combining “Parcel A” with Lot 140 would create a lot that is within two different Counties.
11. This plat amendment also replats an amended building envelope for Amended Lot 1 of Hidden Hollow Subdivision to accommodate the driveway parcel. The building envelop of Lot 1 is reduced from 38,018 sf to 34,940 sf.
12. “Parcel A” is a non-buildable (for primary structures) parcel permanently associated with Lot 140 of the Snowtop Subdivision.
13. On April 26, 2012, the Planning Department approved an administrative conditional use permit for the retaining walls for the proposed driveway for Lot 140. The conditional use permit was required due to the retaining walls heights exceeding 4’ in the front setback and 6’ in the side setback areas.
14. There is good cause for this plat amendment. The amendment will allow the owner of Lot 140 to construct a code compliant driveway for access to the house currently under construction that is necessary prior to issuance of a Certificate of Occupancy and the plat amendment cures the issue of the overly steep driveway.
15. Both lots (Lot 1 and Lot 140) will have to abide by the setbacks required from each of the lots.
16. The applicant stipulates to the conditions of approval.

<u>Conclusions of Law</u>

1. There is good cause for this plat amendment.

2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval

1. The City 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.
3. All conditions of approval of the Hidden Hollow Subdivision at Deer Crest, as found in Ordinance #00-27, shall continue to apply to amended Lot 1 and shall remain in full force and effect with recordation of this plat amendment. A note shall be added to the amended plat to this effect and referencing this current Ordinance and Ordinance #00-27.
4. A note shall be added to the plat stating that: "'Parcel A' shall become part of the ownership of Lot 140 of the Snowtop Subdivision in perpetuity and is not separately buildable or developable for any structure or units with the exception of a driveway, retaining walls, landscaping, irrigation, and other on-site utilities typically associated with a driveway use. The parcel cannot be used as a separate developable parcel for the construct an additional home or to count towards additional density."

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

PASSED AND ADOPTED this _________day of October, 2012.

PARK CITY MUNICIPAL CORPORATION

____
Dana Williams, MAYOR

ATTEST:

____
Jan Scott, City Recorder

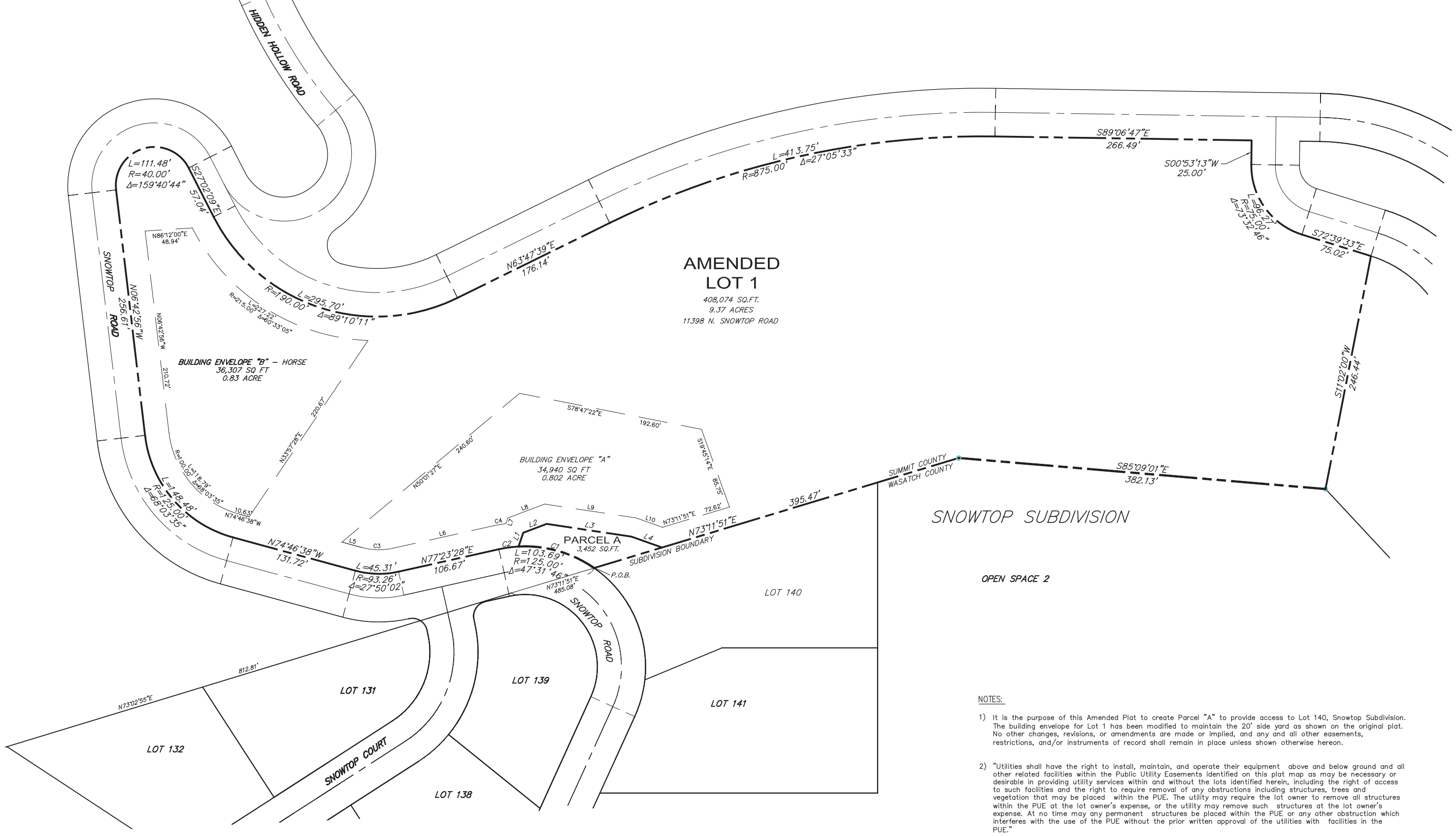
APPROVED AS TO FORM:

____
Mark Harrington, City Attorney

LOT 1 AMENDED
HIDDEN HOLLOW SUBDIVISION
AT DEER CREST

LOCATED IN
THE WEST HALF OF SECTION 14,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
SUMMIT COUNTY, UTAH

NORTH



LINE TABLE		
LINE	LENGTH	BEARING
L1	15.04'	N18°27'21"E
L2	26.07'	S69°13'54"W
L3	88.93'	S81°25'48"E
L4	33.78'	N70°30'00"W
L5	21.25'	N74°46'38"W
L6	106.67'	N77°23'28"E
L7	6.06'	N18°27'21"E
L8	40.79'	S69°13'54"W
L9	96.08'	S81°25'48"E
L10	29.14'	N70°30'00"W

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD
C1	82.99'	125.00'	38°02'32"	N74°06'02"W	81.48'
C2	20.70'	125.00'	9°29'14"	S82°08'05"W	20.67'
C3	33.16'	68.26'	27°50'02"	S88°41'31"E	32.84'
C4	13.02'	150.00'	4°58'25"	S79°52'40"W	13.02'

NOTES:

1) It is the purpose of this Amended Plat to create Parcel "A" to provide access to Lot 140, Snowtop Subdivision. The building envelope for Lot 1 has been modified to maintain the 20' side yard as shown on the original plat. No other changes, revisions, or amendments are made or implied, and any and all other easements, restrictions, and/or instruments of record shall remain in place unless shown otherwise hereon.

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

3) All notes and restrictions on the original plat apply to this amended plat.

4) Parcel "A" shall not be developed for residential purposes and no density entitlements shall attach to Parcel "A".

BOUNDARY DESCRIPTION

Lot 1, HIDDEN HOLLOW SUBDIVISION AT DEER CREST, according to the official plat, recorded July 1, 2006 as Entry No. 592853, Summit County Recorder's Office.

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents: That the owners of the hereon described Lot 1, hereby cause the same to be amended, as set forth in this amended plat, hereafter to be known as:

"LOT 1 AMENDED, HIDDEN HOLLOW SUBDIVISION AT DEER CREST"

Executed this _____ day of ______________, 2012.

____
David O'Brien

____
Noreen O'Brien

ACKNOWLEDGMENT

State of Utah }
County of Summit }

The foregoing was acknowledged before me this ____ day of __________, 2012 by David O'Brien and Noreen O'Brien, Joint Tenants, Owner of Lot 1, Hidden Hollow Subdivision at Deer Crest.

____
Notary Public
Residing at: ______________________
My commission expires: ______________________

CONSENT TO RECORD

State of Utah }
County of Summit }

The undersigned lien holder hereby consents to the recordation of the plat.

By: ______________________
Authorized Official

The foregoing consent to record was acknowledged before me this _______ day of ______________, 2012.

____
Notary Public
Residing at: ______________________ My commission expires: __________

SURVEYOR'S CERTIFICATE:

I, Russell E. Campbell, do hereby certify that I am a Professional Land Surveyor and that I hold Certificate No. 316833 as prescribed under the laws of the State of Utah. I further certify that a boundary survey has been made of the land shown on this plat and described hereon and that this plat is a correct representation of the land surveyed and has been prepared in conformity with the minimum standards and requirements of the law as of the date of survey, July, 2012.

____
Russell E. Campbell

____
Date

0 30 60 120 180
SCALE: 1"=60'

EXHIBIT A

BASELINE SURVEYING, Inc
1058 East 2100 SOUTH
Salt Lake City, UT 84106 (801) 209–2152

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF __________ 2012.

____
PARK CITY RECORDER

CITY PLANNING COMMISSION

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF __________ 2012.

____
PLANNING COMMISSION CHAIRMAN

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ______ DAY OF __________, 2012.

____
MAYOR

CITY ENGINEER

I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE, THIS _____ DAY OF ____________ 2012.

____
PARK CITY ENGINEER

JORDANELLE SPECIAL SERVICE DISTRICT

REVIEWED FOR CONFORMANCE TO JORDANELLE SPECIAL SERVICE DISTRICT STANDARDS THIS _____ DAY OF __________ 2012.

____
J.S.S.D.

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS _____ DAY OF __________ 2012.

____
PARK CITY ATTORNEY

RECORDED

ENTRY NO. ________ BOOK _____ PAGE _____
STATE OF UTAH, COUNTY OF SUMMIT
DATE __________ TIME __________
RECORDED AND FILED AT THE REQUEST OF:

____
COUNTY RECORDER

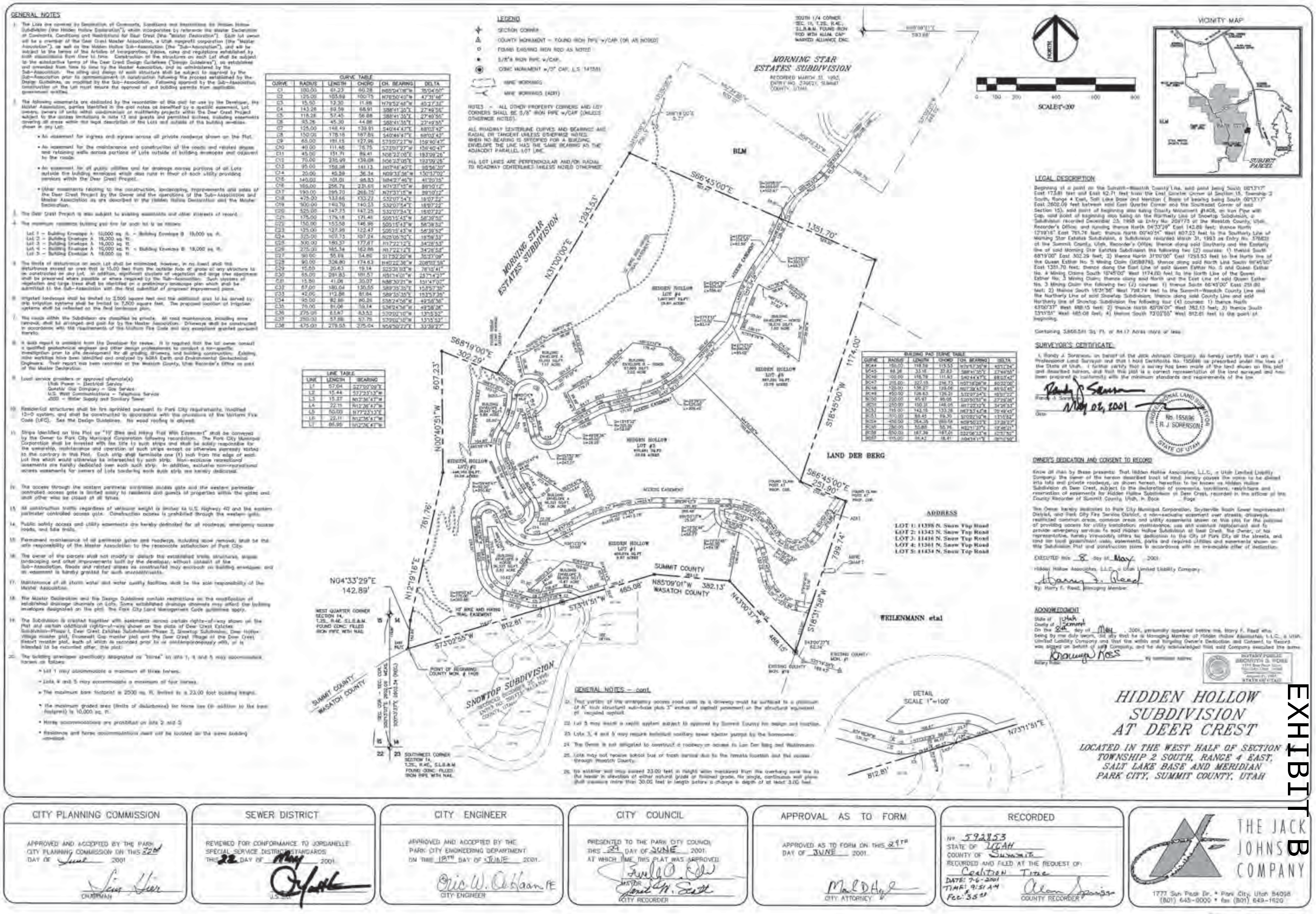
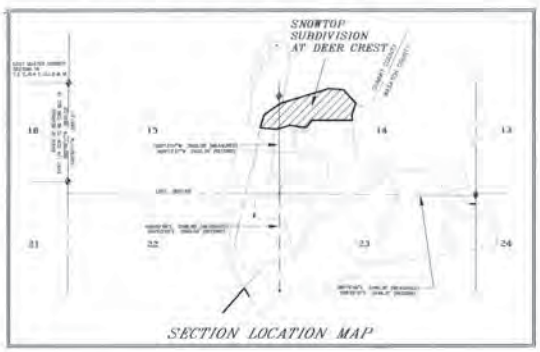

GENERAL NOTES
LEGEND
MORNING STAR ESTATES SUBDIVISION
BLM
SCALE 1"=200'
VICINITY MAP
SUBJECT PARCEL
LEGAL DESCRIPTION
CURVE TABLE
LINE TABLE
HIDDEN HOLLOW LOT #4
HIDDEN HOLLOW LOT #5
HIDDEN HOLLOW LOT #3
HIDDEN HOLLOW LOT #2
HIDDEN HOLLOW LOT #1
LAND DER BERG
WEILENMANN etal
SURVEYOR'S CERTIFICATE
OWNER'S DEDICATION AND CONSENT TO RECORD
ACKNOWLEDGMENT
ADDRESS
LOT 1: 11398 N. Snow Top Road
LOT 2: 11343 N. Snow Top Road
LOT 3: 11416 N. Snow Top Road
LOT 4: 11361 N. Snow Top Road
LOT 5: 11434 N. Snow Top Road
SUMMIT COUNTY
WASATCH COUNTY
SNOWTOP SUBDIVISION
GENERAL NOTES - cont.
DETAIL SCALE 1"=100'
S66°45'00"E
1351.70'
S68°19'00"E 302.29'
N31°00'00"E 1293.53'
N00°40'51"W 607.23'
S18°45'00"W 1174.00'
S66°45'00"E 251.90'
799.74'
N12°19'16"E 761.76'
N04°33'29"E 142.89'
N85°09'01"W 382.13'
N43°00'37"W 488.15'
S18°31'58"W
S73°11'51"W 465.08'
812.81'
S73°02'55"W
N73°11'51"E
HIDDEN HOLLOW SUBDIVISION AT DEER CREST
LOCATED IN THE WEST HALF OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH
CITY PLANNING COMMISSION
APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS 22nd DAY OF June 2001.
CHAIRMAN
SEWER DISTRICT
REVIEWED FOR CONFORMANCE TO JORDANELLE SPECIAL SERVICE DISTRICT STANDARDS THIS 22 DAY OF May 2001.
CITY ENGINEER
APPROVED AND ACCEPTED BY THE PARK CITY ENGINEERING DEPARTMENT ON THIS 18th DAY OF JUNE 2001.
Eric W. DeHaan PE
CITY ENGINEER
CITY COUNCIL
PRESENTED TO THE PARK CITY COUNCIL THIS 21 DAY OF JUNE 2001. AT WHICH TIME THIS PLAT WAS APPROVED.
MAYOR
CITY RECORDER
APPROVAL AS TO FORM
APPROVED AS TO FORM ON THIS 29TH DAY OF JUNE 2001.
CITY ATTORNEY
RECORDED
NO. 592853
STATE OF UTAH
COUNTY OF Summit
RECORDED AND FILED AT THE REQUEST OF: Coalition Title
DATE: 7-6-2001
TIME: 9:51 AM
Fee: 35.00
COUNTY RECORDER
THE JACK JOHNSON COMPANY
1777 Sun Peak Dr. • Park City, Utah 84098
(801) 645-9000 • fax (801) 649-1620

EXHIBIT B



LOT COVERAGE TABULATION TABLE

LOT	ACREAGE	TOTAL AREA SQ. FT.	DWELLING COVERAGE SQ. FT.	IMPERVIOUS AREA SQ. FT.	FLOOR AREA SQ. FT.	FLOOR AREA w/GARAGE SQ. FT.
131	0.51	22379	4868.92	2168.70	8308.10	8906.10
132	0.59	25490	5119.84	2924.90	8774.70	9374.70
133	0.82	35948	5235.84	2947.40	8982.20	9582.20
134	0.96	41868	6113.92	3546.20	10687.84	11287.84
135	0.98	43044	8126.76	3556.10	10719.52	11319.52
136	0.51	22088	4847.04	2254.40	8263.20	8863.20
137	0.50	21714	4788.50	2721.40	8164.20	8764.20
138	0.50	21828	4859.04	2132.90	8198.40	8798.40
139	0.50	21846	4812.28	2234.60	8203.80	8803.80
140	0.83	36025	5841.00	3375.63	10142.00	10742.00
141	0.86	37555	5902.20	3413.88	10264.40	10864.40
142	0.53	23295	4942.80	2814.25	8442.75	9042.75
143	0.57	24670	5053.60	2983.50	8650.50	9250.50
144	0.87	37723	5870.82	3419.33	10281.84	10881.84
145	0.73	31855	5628.40	3242.75	9728.25	10328.25

GENERAL NOTES

NOTE:
THIS PLAT IS A THREE (3) SHEET PACKAGE. INFORMATION DEPICTED ON ANY ONE SHEET SHALL APPLY TO ALL SHEETS AND LOTS.

US WEST COMMUNICATIONS, INC. APPROVAL

Approved and accepted this 15 day of DEC 1998

QUESTAR GAS COMPANY APPROVAL

Approved and accepted this 16 day of Dec 1998

WASATCH COUNTY HEALTH DEPARTMENT APPROVAL

Approved and accepted this 15 day of Dec 1998

WASATCH COUNTY FIRE DISTRICT APPROVAL

Approved and accepted this 16 day of Dec 1998

WASATCH COUNTY WATER BOARD APPROVAL

Approved and accepted this 15 day of Dec 1998

JORDANELLE SPECIAL SERVICE DISTRICT APPROVAL

Approved and accepted this 15 day of Dec 1998

UTAH POWER AND LIGHT, A DIVISION OF PACIFIC CORP. APPROVAL

Approved and accepted this 15th day of DECEMBER 1998

LEGAL DESCRIPTION

A parcel of land located in the West Half of Section 14 and the East Half of Section 15, Township 2 South, Range 4 East, Salt Lake Base and Meridian, more particularly described as follows:

Containing 5,720,911 sq.ft. or 131.33 acres more or less.

SURVEYOR'S CERTIFICATE

I, Jack Johnson, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 147581 as prescribed under the laws of the State of Utah.

No. 147581
JACK J. JOHNSON

Jack Johnson
12/15/98
Date

OWNER'S CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS: That Deer Crest Associates I, L.C., a Utah limited liability company, the owner of the herein described tract of land ...

Executed this 15 day of Dec 1998

Deer Crest Associates I, L.C.
by its Managing Member
LCC Properties Group, L.C.

David M. Luber, Managing Member

ACKNOWLEDGEMENT

On this 15th day of December, 1998 personally appeared before me ...

Notary Public

LIEN HOLDER'S CONSENT TO RECORD

REFERENCE SEPARATE RECORDED DOCUMENT

ACKNOWLEDGEMENT

Notary Public

SNOWTOP SUBDIVISION
AT DEER CREST
LOCATED IN THE WEST HALF OF SECTION 14
AND THE EAST HALF OF SECTION 15,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
WASATCH COUNTY, UTAH
SHEET 1 OF 3

EXHIBIT C

COUNTY COMMISSION

PRESENTED TO THE BOARD OF COUNTY COMMISSIONERS THIS 15 DAY OF Dec A.D., 1998 AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

COUNTY CHAIRMAN

COUNTY CLERK

COUNTY ENGINEER

I HEREBY CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED BY THIS OFFICE AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE.

COUNTY ENGINEER

12-16-98
DATE

COUNTY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE COUNTY PLANNING COMMISSION ON THIS 15 DAY OF Dec A.D., 1998

CHAIRMAN

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS 15 DAY OF Dec., A.D., 1998

COUNTY ATTORNEY

RECORDED

Book 408

No 209773 DATE 12-23-98 TIME 14:38

STATE OF UTAH

COUNTY OF WASATCH $84.00 PAGE 296-305

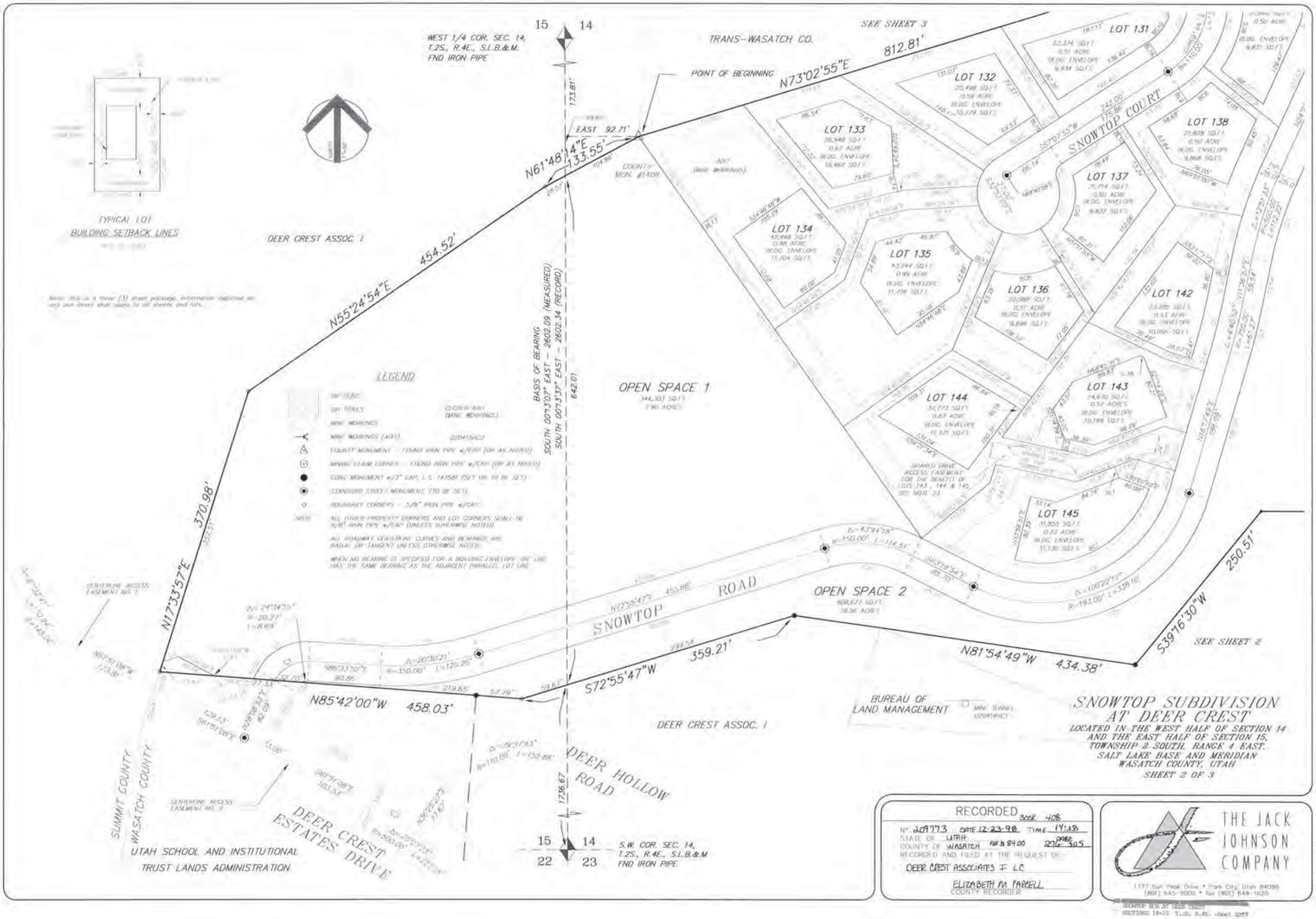
RECORDED AND FILED AT THE REQUEST OF:

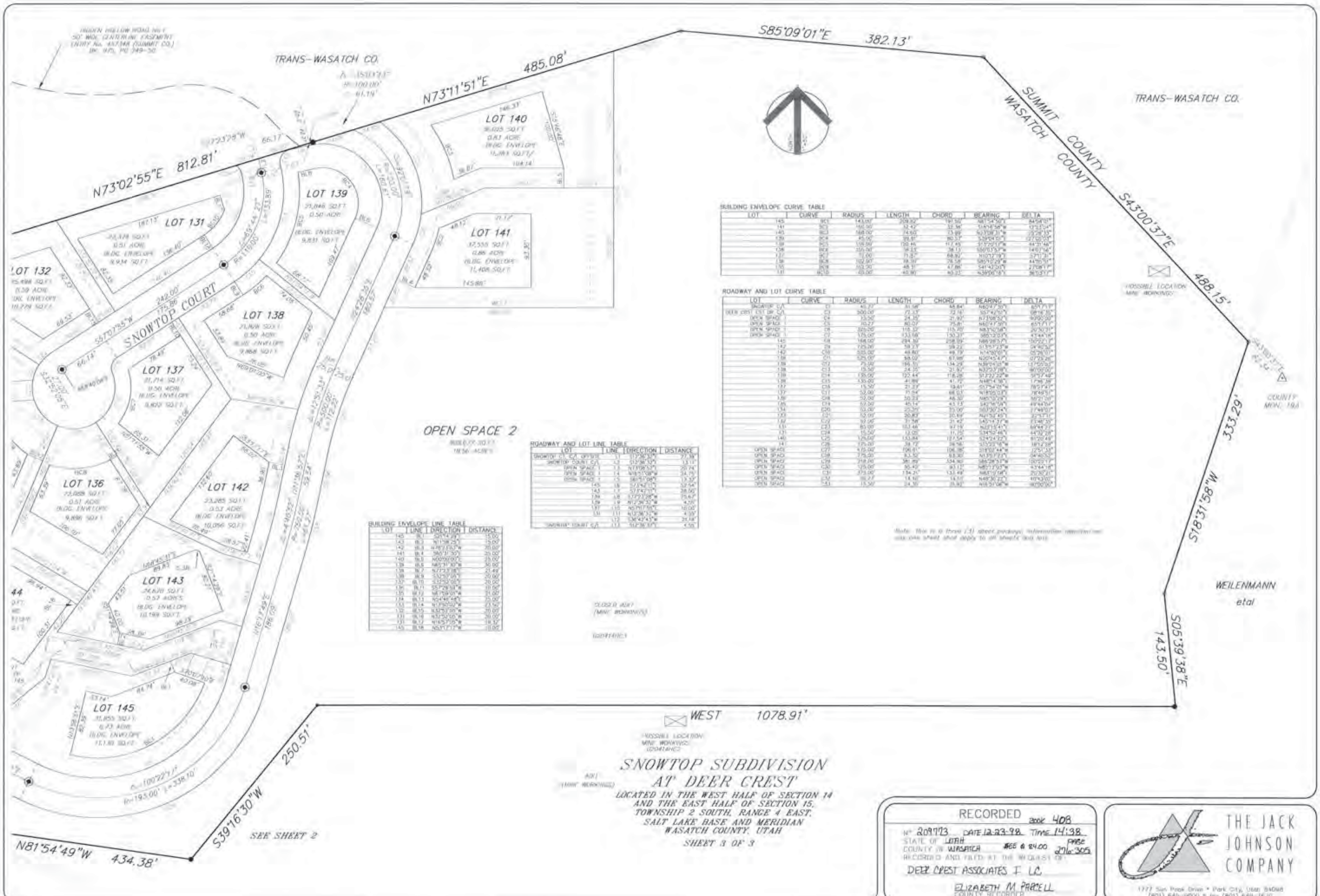
DEER CREST ASSOCIATES I LC

ELIZABETH M. PARCELL
COUNTY RECORDER

THE JACK JOHNSON COMPANY

1777 Sun Peak Drive * Park City, Utah 84098
(801) 645-9000 * fax (801) 649-1620


SNOWTOP SUBDIVISION AT DEER CREST
LOCATED IN THE WEST HALF OF SECTION 14 AND THE EAST HALF OF SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN WASATCH COUNTY, UTAH
SHEET 2 OF 3
SEE SHEET 3
SEE SHEET 2
TRANS-WASATCH CO.
WEST 1/4 COR. SEC. 14, T.2S., R.4E., S.L.B.&M. FND IRON PIPE
S.W. COR. SEC. 14, T.2S., R.4E., S.L.B.&M FND IRON PIPE
POINT OF BEGINNING
N73°02'55"E 812.81'
EAST 92.71'
N61°48'14"E 133.55'
N55°24'54"E 454.52'
N17°33'57"E 370.98'
N85°42'00"W 458.03'
S72°55'47"W 359.21'
N81°54'49"W 434.38'
S39°16'30"W 250.51'
BASIS OF BEARING SOUTH 00°13'07" EAST - 2602.09 (MEASURED) SOUTH 00°13'37" EAST - 2602.34 (RECORD)
173.81'
642.01
1736.67
COUNTY MON. #1408
TYPICAL LOT BUILDING SETBACK LINES
DEER CREST ASSOC. I
LEGEND
OPEN SPACE 1
OPEN SPACE 2
SNOWTOP ROAD
SNOWTOP COURT
DEER HOLLOW ROAD
DEER CREST ESTATES DRIVE
LOT 131
LOT 132
LOT 133
LOT 134
LOT 135
LOT 136
LOT 137
LOT 138
LOT 142
LOT 143
LOT 144
LOT 145
BUREAU OF LAND MANAGEMENT
SUMMIT COUNTY
WASATCH COUNTY
UTAH SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION
15 14
22 23
RECORDED
Nº 209773 DATE 12-23-98 TIME 14:38 BOOK 408
STATE OF UTAH
COUNTY OF WASATCH FEE $ 84.00 PAGE 296-305
RECORDED AND FILED AT THE REQUEST OF
DEER CREST ASSOCIATES I LC
ELIZABETH M. PARCELL
COUNTY RECORDER
THE JACK JOHNSON COMPANY



BUILDING ENVELOPE CURVE TABLE

LOT	CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
145	BC1	143.00'	209.82'	191.50'	N81°54'50"E	84°04'07"
141	BC2	150.00'	32.42'	32.36'	S16°18'58"W	12°22'54"
140	BC3	168.00'	74.60'	73.99'	N23°08'31"W	25°26'33"
139	BC4	45.00'	99.81'	80.57'	S39°04'03"E	127°05'03"
138	BC5	155.50'	120.46'	117.45'	S13°20'12"W	44°23'46"
136	BC6	225.00'	38.23'	38.13'	S50°03'57"W	14°07'14"
137	BC7	75.00'	71.87'	68.92'	N10°12'19"E	57°11'31"
138	BC8	102.50'	78.39'	76.58'	S80°12'29"W	44°05'11"
135	BC9	103.50'	48.31'	47.88'	S41°42'20"E	27°08'17"
131	BC10	65.00'	40.90'	40.23'	N39°06'18"E	36°03'17"

ROADWAY AND LOT CURVE TABLE

LOT	CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
SNOWTOP C/L	C1	40.27'	51.56'	48.84'	N60°47'30"E	65°17'17"
DEER CREST EST DR C/L	C3	500.00'	72.37'	72.16'	S57°42'52"E	08°16'35"
OPEN SPACE 1	C4	15.50'	24.35'	21.92'	N73°08'52"E	90°00'00"
OPEN SPACE 1	C5	70.27'	80.07'	75.81'	N60°47'30"E	65°17'17"
OPEN SPACE 1	C6	825.00'	115.27'	115.20'	[illegible]	[illegible]
OPEN SPACE 1	C7	175.00'	133.58'	130.37'	[illegible]	[illegible]
145	C8	168.00'	284.38'	258.09'	[illegible]	[illegible]
141	C9	125.00'	59.23'	59.22'	[illegible]	[illegible]
142	C10	225.00'	48.80'	48.79'	[illegible]	[illegible]
142	C11	525.00'	88.02'	87.98'	[illegible]	[illegible]
138	C12	75.00'	166.30'	134.29'	[illegible]	[illegible]
139	C13	15.50'	24.35'	21.92'	[illegible]	90°00'00"
138	C14	130.00'	122.44'	118.02'	[illegible]	[illegible]
139	C15	130.00'	41.89'	41.70'	[illegible]	[illegible]
137	C16	15.50'	21.27'	19.61'	[illegible]	[illegible]
137	C17	52.00'	71.94'	66.02'	[illegible]	[illegible]
136	C18	52.00'	50.03'	48.30'	[illegible]	[illegible]
135	C19	52.00'	45.54'	44.13'	[illegible]	[illegible]
134	C20	52.00'	50.29'	50.00'	[illegible]	[illegible]
133	C21	52.00'	50.82'	50.04'	[illegible]	[illegible]
132	C22	52.00'	31.58'	31.42'	[illegible]	[illegible]
131	C23	80.00'	102.48'	97.19'	[illegible]	[illegible]
131	C24	15.50'	12.00'	11.70'	[illegible]	[illegible]
140	C25	225.00'	133.84'	131.84'	[illegible]	[illegible]
141	C26	175.00'	39.72'	39.56'	[illegible]	[illegible]
OPEN SPACE	C27	415.00'	106.81'	106.38'	[illegible]	[illegible]
OPEN SPACE	C28	175.00'	93.52'	93.80'	[illegible]	[illegible]
OPEN SPACE	C29	218.00'	381.89'	334.90'	[illegible]	[illegible]
OPEN SPACE	C30	125.00'	95.42'	93.11'	[illegible]	[illegible]
OPEN SPACE	C31	375.00'	134.21'	133.49'	[illegible]	[illegible]
OPEN SPACE	C32	15.50'	14.10'	14.10'	[illegible]	[illegible]
OPEN SPACE	C33	15.50'	24.30'	21.92'	[illegible]	90°00'00"

ROADWAY AND LOT LINE TABLE

LOT	LINE	DIRECTION	DISTANCE
SNOWTOP CT. C/L OFFSET	L1	S12°36'32"E	27.98'
SNOWTOP COURT C/L	L2	S12°36'32"E	13.11'
OPEN SPACE 1	L3	N73°08'52"E	20.74'
OPEN SPACE 1	L4	N16°51'08"W	24.75'
OPEN SPACE 1	L5	S61°51'08"E	13.37'
145	L6	S73°42'11"E	32.54'
143	L7	S73°47'11"E	28.00'
138	L8	S72°23'28"W	25.67'
139	L9	N12°36'32"W	4.50'
137	L10	N57°01'55"E	10.00'
131	L11	N12°36'32"W	4.50'
	L12	S36°42'43"W	21.18'
SNOWTOP COURT C/L	L13	S12°36'32"E	4.50'

BUILDING ENVELOPE LINE TABLE

LOT	LINE	DIRECTION	DISTANCE
145	BL1	[illegible]	15.00'
143	BL2	[illegible]	15.00'
142	BL3	[illegible]	20.00'
141	BL4	[illegible]	20.00'
140	BL5	[illegible]	20.00'
139	BL6	[illegible]	30.00'
138	BL7	[illegible]	22.48'
138	BL9	[illegible]	20.00'
137	BL10	[illegible]	20.00'
135	BL11	[illegible]	20.00'
135	BL12	[illegible]	20.00'
133	BL13	[illegible]	20.00'
132	BL14	[illegible]	20.00'
132	BL15	[illegible]	20.00'
131	BL16	[illegible]	20.00'
131	BL17	[illegible]	20.00'
145	BL18	[illegible]	15.00'

SNOWTOP SUBDIVISION AT DEER CREST

LOCATED IN THE WEST HALF OF SECTION 14
AND THE EAST HALF OF SECTION 15,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
WASATCH COUNTY, UTAH

SHEET 3 OF 3

RECORDED Book 408
No 209773 DATE 12-23-98 Time 14:38
STATE OF UTAH
COUNTY OF WASATCH FEE $ 84.00 PAGE 296-305
RECORDED AND FILED AT THE REQUEST OF
DEER CREST ASSOCIATES I LC
ELIZABETH M PARCELL
COUNTY RECORDER

THE JACK JOHNSON COMPANY

WHEN RECORDED, RETURN TO:

Madison S. Gulley
2832 NE 38th Street
Ft. Lauderdale, FL 33308

DRIVEWAY ACCESS EASEMENT AGREEMENT

THIS DRIVEWAY ACCESS EASEMENT AGREEMENT, ("Agreement") is made as of the _____ day of August, 2012, by MADISON S. GULLEY ("Gulley"), whose address is 2832 NE 38th Street Ft. Lauderdale, FL 33308 and DAVID O'BREIN AND NOREEN O'BRIEN (together, "O'Brien"), whose address is 57 Brianclift Road, Mountain Lakes, NJ 07046, with reference to the following facts:

A. O'Brien is the fee owner of Lot 1 in the Hidden Hollow Subdivision at Deer Crest as shown on the official plat thereof in the office of the Summit County Recorder, and Gulley is the fee owner of abutting Lot 140 in the Snowtop Subdivision at Deer Crest, as shown on the official plat thereof in the office of the Wasatch County Recorder (respectively, "Lot 1" and "Lot 140"). The Owners, from time to time, of Lot 1 and Lot 140 are referred to as the "Lot Owners".

B. Gulley desires to purchase a certain portion of Lot 1 for an access driveway for Lot 140, and O'Brien has agreed to sell such portion pending the finalization of a lot line adjustment or plat amendment;

C. In order to enable Gulley to commence construction of the driveway pending the lot line adjustment or plat amendment, O'Brien and Gulley desire and intend to establish an ingress and egress easement over Lot 1 to accommodate an access driveway for the benefit of Lot 140 as more fully described herein, and also a temporary construction easement for a strip of land 15' wide and adjacent to the actual driveway.

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, O'Brien and Gulley hereby declare as follows:

1. **Grant of Easement.** O'Brien, as Owner of Lot 1, hereby grants to Gulley, as the Owner of Lot 140, and his successors, assigns, agents, employees, licensees and invitees (the "Benefitted Parties"),

(i) a permanent easement for pedestrian and vehicular ingress and egress (the "Access Easement") over that portion of Lot 1 described on Exhibit "A" and depicted on Exhibit "B," both of which Exhibits are attached hereto and incorporated herein by this reference. The easement area described in Exhibit "A" and depicted on Exhibit "B" is referred to as the "Access Driveway Area;" and

(ii) a temporary construction easement for pedestrian and vehicular ingress and egress and for the excavation, grading and construction of the Driveway Improvements, as defined below (the "Construction Easement"). The Construction Easement shall be over, upon, across and through the Access Driveway Area and extend 15 feet outside but adjacent to the Access Driveway Area on Lot 1 to permit for the grading, stabilization, and construction of the driveway, and re-vegetation of the area adjacent to the Access Driveway Area to its natural condition.

The Access Easement and the Construction Easement may hereafter together be referred to as the "Easements." All use and enjoyment of the Easements by the Benefitted Parties shall be conducted in such manner as to (a) comply with all applicable laws, ordinances and governmental regulations and orders and (b) to not create any nuisance or waste.

2. **Nature of Easements.** Both Easements shall be effective immediately upon execution of this Agreement. The Construction Easement shall terminate upon the earlier of completion of the Driveway Improvements and June 1, 2013.

3. **Termination of Access Easement.** This Agreement shall terminate upon (1) the successful approval of the lot line adjustment or plat amendment and completion of the acquisition of the Access Driveway Area resulting in the incorporation of the Access Driveway Area into Lot 140, or (2) failure of the owner of Lot 140 to close on the purchase of Lot 1 pursuant to the Put Option set forth in the Purchase and Put Option Agreement dated as of the date hereof between the Lot Owners (the "Purchase Agreement"). In the event of termination, either party may record notice of such event.

4. **Consideration.** As consideration for the Easements, Gulley shall pay to O'Brien the sum of Thirty-Five Thousand Dollars ($35,000) plus O'Brien's reasonable architect, engineering and attorney's fees related to this matter arising from and after July 1, 2012, and submit a cash deposit in the amount of Sixty-Five Thousand Dollars ($65,000) (the "Deposit") as more particularly set forth in the Purchase Agreement.

5. **Construction of Driveway Improvements.** Gulley and O'Brien have agreed that the Access Driveway Area, and the Construction Easement area as applicable, shall be improved by those driveway improvements and related retaining walls described in the grading plans, erosion control plan, schematic plans, landscape plan, and irrigation

plan and depicted in Exhibit "C" (all such improvements located within the Access Driveway Area are hereinafter referred to collectively as the "Driveway Improvements") at Gulley's sole cost and expense. The retaining walls for the Driveway Improvements will be constructed of "Browns Canyon Sandstone" in the tan, buff and gray colors (the pink tones will be avoided) and the driveway will be heated. Gulley acknowledges that all re-vegetation will need to be irrigated until the plants are established which shall be at least one year. Adjustments to the Driveway Improvements from those shown on Exhibit "C" may be made by Gulley without the further approval of O'Brien, but only if any such adjustments do not increase disturbance to Lot 1, do not negatively impact the appearance of the driveway, are approved by the Deer Crest Master Association (the "Association") and any such adjustments to retaining walls are approved in writing by a structural engineer, a copy of which approval is provided to O'Brien. The final description of the Driveway Improvements shall include those Driveway Improvements as further adjusted and finally approved by Park City and the Deer Crest Master Association if applicable. Gulley agrees to construct the finally approved Driveway Improvements within the Access Driveway Area as provided in Exhibit "C" and as adjusted in accordance with this Section. Gulley shall also be responsible for obtaining all approvals and permits necessary for such construction, including approvals and permits issued by Park City and the Association. All construction work undertaken by Gully shall be completed without warranty other than typical construction warranties granted by the contractor which shall run in favor of both Lot Owners. Further, O'Brien acknowledges that the Driveway Improvements to be constructed by Gulley will be completed solely for the use of the residence to be located on Lot 140 and that such Driveway Improvements will not be subject to further modification after constructed except at the election and sole cost and expense of the Owner of Lot 140. In the event the Owner of Lot 140 elects to modify the Driveway Improvements after constructed, such modification shall be in compliance with the requirements of the Snowtop Subdivision Plat, the Association and Park City and shall be approved by the Owner of Lot 1. Such approval shall not be unreasonably withheld.

6. **Operation, Maintenance and Repair of Access Easement Area.** The Owner of Lot 140, agrees to maintain and repair the Driveway Improvements, including snow plowing, heating and routine maintenance of the Driveway Improvements. In addition, the Owner of Lot 140 shall pay any expenses of operating the Driveway Improvements, including the utility costs to provide the driveway heating and the water and water delivery system costs for all re-vegetation within the Access Driveway Area and re-vegetation of Lot 1, including the Construction Easement, to the stage where such vegetation is consistent with the natural vegetation in such area. Gulley shall repair at his sole expense any damage done to, or suffered by, any Driveway Improvements within the Access Driveway Area or Construction Easement or any portion thereof or on Lot 1 that are caused by Gulley or any of his contractors, subcontractors or other invitees. Notwithstanding anything in this Agreement to the contrary, O'Brien shall have no responsibility whatsoever for construction, operation, maintenance, repair or replacement of the Driveway Improvements except for any damage to such improvements caused by the Owner of Lot 1.

7. **Indemnity.** The Owner of Lot 140 hereby waives all claims and demands against and agree to indemnify, protect, defend (with attorneys acceptable to the Owner of Lot 1) and hold harmless the Owner of Lot 1 from and against any and all claims, obligations, expenses, liabilities and costs, including but not limited to attorneys' fees, for property damage and bodily injury, sickness, disability, disease or death of any person or persons, arising directly or indirectly from activities affecting the Access Driveway Area or Lot 1, including but not limited to within the Construction Easement, by the Owner of Lot 140 and/or that Owner's employees, contractors, agents, licensees, invitees and third parties, except to the extent such claim, obligation, expense, liability or cost arises out of the willful or negligent act or omission of the Owner of Lot 1.

8. **Insurance.** Prior to commencement of construction and during construction of the Driveway Improvements, O'Brien shall be added as an additional named insured to an insurance policy in the amount of Three Million Dollars ($3,000,000). For purposes of this insurance, the contractor's insurance policy may satisfy this requirement. Upon completion of construction of the Driveway Improvements, Gulley, as the Owner of Lot 140, shall, at his sole cost and expense, procure, pay for and keep in full force and effect a homeowner's insurance policy with liability coverage for Lot 140 and the Access Driveway Area in an amount of not less than Three Million Dollars ($3,000,000).

9. **Notices.** All notices required or permitted by this Agreement shall be in writing and may be delivered in person to either party or may be sent by registered or certified mail, with postage prepaid, return receipt requested, or delivered by Express Mail or Federal Express, or any other courier service guaranteeing overnight delivery, charges prepaid, or may be transmitted by facsimile transmission and addressed as follows:

If to the Owner of Lot 1:	David and Noreen O'Brien 57 Brianclift Road, Mountain Lakes, NJ 07046 Fax: 212 773 8580
If to the Owner of Lot 140:	Madison S. Gulley 2832 NE 38th Street Ft. Lauderdale, FL 33308 Fax: 954-568-4234

Any such notice sent by registered or certified mail, return receipt requested, shall be deemed to have been duly given and received seventy-two (72) hours after the same is so addressed and mailed with postage prepaid. Notices delivered by overnight service shall be deemed to have been given at 5:00 p.m. on the next business day after the date of delivery of the same, charges prepaid, to the U. S. Postal Service or private courier. If any notice is transmitted by facsimile transmission or similar means, the same shall be deemed served or delivered upon confirmation of transmission thereof. Any notice or other document sent by any other manner shall be effective only upon actual receipt thereof. Any party may change its address for purposes of this Section by giving notice to the other party as herein provided and by recording a notice of the changed address, which notice shall refer to this Agreement.

10. **Attorneys' Fees.** In the event either party hereto shall incur attorney's fees and costs in connection with the enforcement or interpretation of this Agreement, the prevailing party shall be entitled to recover from the other party all such costs and expenses,, including reasonable attorneys' fees .

11. **Captions.** All captions used herein are inserted for convenience only and shall not be used in any way to modify, limit, construe or otherwise affect this Agreement.

12. **Waivers.** No action taken pursuant to this Agreement by or on behalf of any party shall be deemed to constitute a waiver by the party taking such action of the complete compliance with representations, warranties, covenants or agreements contained herein. No waiver, modification or change shall be binding unless in writing and signed by the party making the waiver. A waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach.

13. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Utah applicable to contracts made and to be performed in that state.

14. **Severability.** If any term(s) or provision(s) of this Agreement or the application thereof to any person or circumstance shall to any extent be invalid or unenforceable, the remainder of this Agreement or the application of such term(s) or provision(s) to persons or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby. Each and every term of this Agreement shall be valid and enforced to the fullest extent permitted by law.

15. **Easements and Covenants to Run with the Land.** The Easements and other rights granted hereby and the covenants contained herein shall run with the respective Lots, and shall bind and inure to the benefit of the owners of the respective Lots and the Association, and their respective successors and assigns.

16. **Counterparts.** This Agreement may be executed in any number of counterparts, each of which shall be an original but all of which shall constitute one and the same instrument.

17. **Amendments.** Any amendment to this Agreement must in writing and signed by all of the parties benefitted hereby.

IN WITNESS WHEREOF, the undersigned has executed this instrument as of the day and year first above written.

[signature pages follow]

DAVID O'BRIEN

NOREEN O'BRIEN

STATE OF UTAH)

: ss.

COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 27th day of August, 2012, by DAVID O'BRIEN AND NOREEN O'BRIEN.

MARY ANN BECK
Notary Public State of Utah
My Commission Expires on:
March 12, 2016
Comm. Number: 653993

My Commission Expires:

3-12-2016

Mary Ann Beck
Notary Public
Residing at: Salt Lake City, Utah

MADISON S. GULLEY

STATE OF Florida
COUNTY OF Broward } ss.

The foregoing instrument was acknowledged before me this ____ day of August, 2012, by MADISON S. GULLEY

SARAH BARNETT
MY COMMISSION # EE214537
EXPIRES July 05, 2016
(407) 398-0153 FloridaNotaryService.com

C Barnett
Notary Public
Residing at: 2805 E Oakland

My Commission Expires:
7/5/16

EXHIBIT A

EASEMENT LEGAL DESCRIPTION

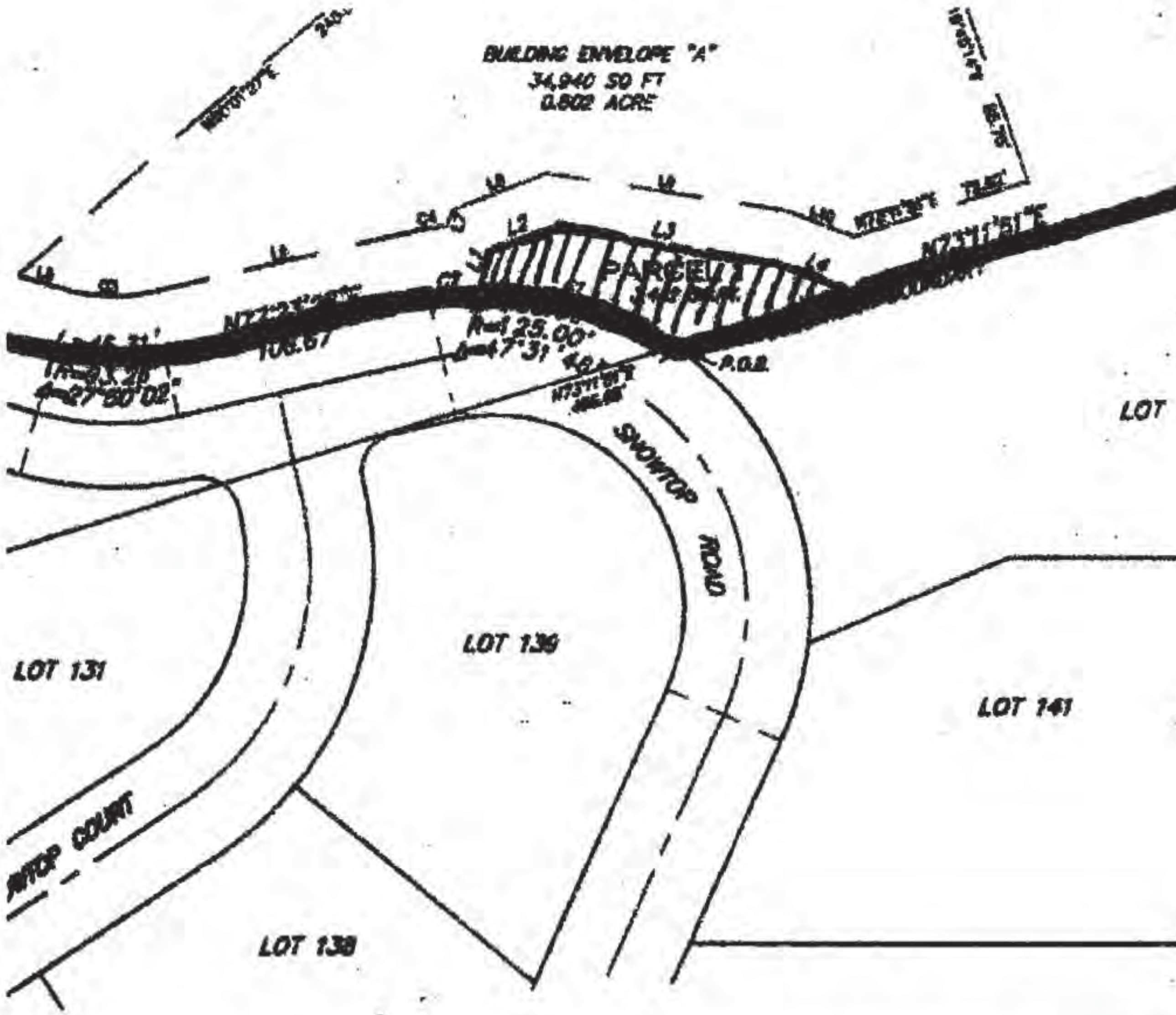
THAT PART OF LOT 1, HIDDEN HOLLOW SUBDIVISION AT DEER CREST DEPICTED ON EXHIBIT B TO BE COVERED BY A CERTAIN DRIVEWAY IMPROVEMENTS MORE PARTICULARLY DESCRIBED AND DEPICTED ON EXHIBIT C, WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at a point on the southerly boundary of Lot 1, Hidden Hollow Subdivision At Deer Crest (recorded as Entry No. 592853), said point also being South 00°13'17" East 173.81 feet and East 92.71 feet and North 73°02'55" East 812.81 feet and North 73°11'51" East 89.61 feet from the East Quarter Corner of Section 15, Township 2 South, Range 4 East, Salt Lake Base and Meridian (Basis of bearings being South 00°13'17" East 2602.09 feet between said East Quarter Corner and the Southeast Corner of said Section 15) and running thence westerly along the arc of a 125.00 foot radius curve to the left, the center of which bears South 34°55'13" West, a distance of 82.99 feet through a central angle of 38°02'32"; thence North 18°27'21" East 15.04 feet; thence North 69°13'54" East 26.07 feet; thence South 81°25'48" East 88.93 feet; thence South 70°30'00" East 33.78 feet; thence South 73°11'51" West 73.71 feet to the point of beginning.

Containing 3,451 sq. ft.

EXHIBIT B

MAP OF EASEMENT LOCATION



LINE TABLE		
LINE	LENGTH	BEARING
L1	15.04'	N18°27'21"E
L2	26.07'	S89°13'54"W
L3	88.93'	S81°25'48"E
L4	33.78'	N70°30'00"W
L5	21.25'	N74°48'38"W
L6	106.67'	N77°23'28"E
L7	8.06'	N18°27'21"E
L8	40.79'	S89°13'54"W
L9	96.08'	S81°25'48"E
L10	29.14'	N70°30'00"W

CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA	CH
C1	82.99'	125.00'	38°02'32"	
C2	20.70'	125.00'	9°29'14"	
C3	33.16'	68.26'	27°50'02"	
C4	13.02'	150.00'	4°58'25"	

EXHIBIT C

DESCRIPTION AND DEPICTION OF DRIVEWAY IMPROVEMENTS
See Attached Plans (which will be omitted for recording purposes only):

Schematic Grading Plan for Lot 140 Deer Crest dated August 9, 2012 (Sitio Design Sheet L-G101)

Overall Grading Plan and Details for Lot 140 Deer Crest dated August 9, 2012(Sitio Design Sheet L-G102)

Erosion Control Plan for Lot 140 Deer Crest dated August 9, 2012 (Sitio Design Sheet L-E101)

Erosion Control Notes and Details for Lot 140 Deer Crest dated August 9, 2012 (Sitio Design Sheet L-E501)

Landscape Plan for Lot 140 Deer Crest dated March 19, 2012 (Sitio Design Sheet L-L101)

Irrigation Plan for Lot 140 Deer Crest dated March 19, 2012 (Sitio Design Sheet L-R101)

Rock Wall Detail (Earthtec Engineering Project No 120160 Figure 4)

Earthtec Engineering, Inc. Engineering Rock Wall Evaluation Report dated January 25, 2012 (Project 120160)

Note: All exhibits to agreement are available at the Planning Department.

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
OCTOBER 10, 2012

EXCERPT
DRAFT MINUTES

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Brooke Hontz, Jack Thomas, Mick Savage, Adam Strachan, Charlie Wintzer

EX OFFICIO:

Thomas Eddington, Planning Director; Kirsten Whetstone, Planner; Francisco Astorga, Planner;

Polly Samuels McLean, Assistant City Attorney

===

REGULAR MEETING

ROLL CALL

Chair Worel called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except Commissioner Gross, who was excused.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

2. <u>11398 N. Snowtop Road, Lot 1 Hidden Hollow – Plat Amendment</u> (Application #PL-12-01637)

Spencer White was representing the owner of Lot 140, who lives in Florida.

Planner Whetstone reviewed the request for a plat amendment to create a small, 3,452 square foot driveway parcel, 'Parcel A' out of Lot 1 of the Hidden Hollow subdivision at Deer Crest. Lot 1 is 9.54 acres and the property was annexed into the City as part of the Hidden Hollow annexation and the Hidden Hollow Subdivision that followed.

Planner Whetstone stated that the parcel is needed to construct a Code compliant driveway for Lot 140 of the Snowtop Subdivision. The Snowtop Subdivision was approved by Wasatch County and annexed to Park City as part of the Deer Crest annexation. It came in with the parcel for the St. Regis, Slalom Village and other open space land. Planner Whetstone noted that the line shown between the two subdivisions was the County Line. Hidden Hollow is in Summit County and Snowtop is in Wasatch County. Both subdivisions are in Park City and under the purview of the Planning Commission and the City Council.

Planner Whetstone clarified that the purpose of the plat amendment was to resolve an issue with a driveway that is too steep and does not meet Code. Planner Whetstone remarked that several years ago the house was under construction and construction was stopped due to financial issues. Construction has started again, but the driveway is still an issue. The City Staff met to find a solution and determined that the best solution would be to ask the owner of the Hidden Hollow lot to provide property for this driveway.

Commissioner Strachan asked if there was a current driveway cut. Planner Whetstone indicated the driveway cut on the site plan. She explained that the owner of the Hidden Hollow subdivision agreed to an easement for the driveway and the applicant obtained a permit to construct the driveway with the easement. However, the owner of Lot 1 did not want the driveway on his property and it was eventually sold to the owner of Lot 140.
Commissioner Savage asked if the easement was ever recorded. Planner Whetstone replied that the easement was recorded as a construction easement to build the driveway. The overall easement was not recorded.

Planner Whetstone reiterated that the requested plat amendment would create a small driveway parcel. A condition of approval states that the parcel is not separately developable as a unit and is solely for the purpose of the driveway, retaining walls and landscaping. The plat amendment does not impact Lot 140.

The Staff conducted an analysis and determined that there was good cause for the requested plat amendment. The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval identified in the draft ordinance.

Spencer White clarified that there is an existing unpaved driveway on his property, but it is too steep to meet Code.

Commissioner Wintzer asked for the grade of the new driveway. Mr. White replied that it was an 11% grade and it would be heated. The driveway was approximately 300 feet long. Given the length, Commissioner Thomas asked how the fire department turnout would work. City Attorney Cassel noted that there was a dry pipe system at the top and a turnout would not be necessary.

Mr. White stated that the house sat unfinished for years until his client purchased it. His client had gone through an administrative conditional use permit and an encroachment permit with engineering due to the ROW. At the last minute the owner of Lot 1was concerned about liability issues regardless of the easement agreement, and he decided to sell the parcel.

Commissioner Thomas assumed the retaining walls required engineering and that it would be a condition of the approval. Planner Whetstone replied that the retaining wall required a conditional use permit, which was approved administratively.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Thomas moved to forward a POSITIVE recommendation to the City Council based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Lot 1Hidden Hollow

1. The property, Lot 1 of Hidden Hollow Subdivision at Deer Crest is located at 11398 North Snowtop Road. The property is located within the Estate (E) zone designation.

2. Lot 1 of the Hidden Hollow Subdivision at Deer Crest is a 9.37 acre, vacant single family lot, located at 11398 North Snowtop Road.

3. Hidden Hollow Subdivision at Deer Crest was approved by the Park City Council on April 13, 2000. The subdivision plat was recorded on July 6, 2011 and is subject to Ordinance #00-27. The area of the Hidden Hollow Subdivision was officially annexed into Park City as the Hidden Hollow Annexation on December 17, 1998. The annexation plat was recorded a Summit County on September 9, 1999.

4. This plat amendment creates a 3,452 sf driveway access parcel, "Parcel A", from Lot 1 of the Hidden Hollow Subdivision for the purpose of providing additional area for construction a code compliant driveway for an adjacent lot, namely, Lot 140 of the Snowtop Subdivision, located at 11380 North Snowtop Road.

5. North Snowtop Road is a private road with platted easements for joint use by residents of both the Hidden Hollow Subdivision and the Snowtop Subdivision.

6. The Snowtop Subdivision was approved by Wasatch County on December 15, 1998 and the plat was recorded on December 23, 1998. The entire subdivision was annexed into Park City with the Deer Crest Properties Annexation in 1999.

7. A single family house is currently under construction on Lot 140 (Snowtop). The current driveway exceeds the maximum grade of 14% and the City Engineer and Building Department require a Code compliant driveway prior to issuance of a Certificate of Occupancy for the house. The driveway is currently being constructed with a building permit and a recorded temporary construction easement from Lot 1 to Lot 140.

8. Hidden Hollow Subdivision Lot 1 will be reduced from 9.37 acres to 9.29 when this plat amendment is recorded. There are no other changes proposed to Lot 140 of the Snowtop Subdivision. Lot 1 continues to meet all zone requirements as to size.

9. "Parcel A" is restricted in use to a driveway, retaining walls, and landscaping and other minor and incidental uses associated with the home.

10. The driveway parcel, “Parcel A”, is not proposed to be combined with Lot 140 because Lot 140 is in Wasatch County within the Snowtop Subdivision, and “Parcel A” is located in Summit County within the Hidden Hollow Subdivision. Both subdivisions are located within the Park City Municipal Boundaries. Combining “Parcel A” with Lot 140 would create a lot that is within two different Counties.

11. This plat amendment also replats an amended building envelope for Amended Lot 1of Hidden Hollow Subdivision to accommodate the driveway parcel. The building envelope of Lot 1 is reduced from 38,018 sf to 34,940 sf.

12. “Parcel A” is a non-bui9ldable (for primary structures) parcel permanently associated with Lot 140 of the Snowtop Subdivision.

13. On April 26, 2012, the Planning Department approved an administrative conditional use permit for the retaining walls for the proposed driveway for Lot 140. The conditional use permit was required due to the retaining walls heights exceeding 4’ in the front setback and 6’ in the side setback areas.

14. There is good cause for this plat amendment. The amendment will allow the owner of Lot 140 to construct a code compliant driveway for access to the house currently under construction that is necessary prior to issuance of a Certificate of Occupancy and the plat amendment cures the issue of the overly steep driveway.

15. Both lots (Lot 1 and Lot 140) will have to abide by the setbacks required from each of the lots.

16. The applicant stipulates to the conditions of approval.

Conclusions of Law – Lot 1 Hidden Hollow

1. There is good cause for this plat amendment.

2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.

3. Neither the public nor any person will be materially injured by the proposed plat amendments.

4. Approval 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 – Lot 1 Hidden Hollow

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.

3. All conditions of approval of the Hidden Hollow Subdivision at Deer Crest, as found in Ordinance #00-27, shall continue to apply to amended Lot 1 and shall remain in full force and effect with recordation if this plat amendment. A note shall be added to the amended plat to this effect and referencing the current Ordinance and Ordinance #00-27.

4. A note shall be added to the plat stating that: "Parcel A' shall become part of the ownership of Lot 140 of the Snowtop Subdivision in perpetuity and is not separately building or developable for any structure or units with the exception of a driveway, retaining walls, landscaping, irrigation, and other on-site utilities typically associated with a driveway use. The parcel cannot be used as a separate developable parcel for the construction of an additional home or to count towards additional density."