

EXHIBIT I

3. Consideration of a construction contract to DRD Paving LLC for Round Valley Way and The Cove Trailheads in the amount of \$121,816, in a form approved by the City Attorney – See staff report.

4. Consideration to authorize to execute Change Order #1 to the Construction Contract for the Prospector Drain Biocell, in a form approved by the City Attorney's Office, to Counterpoint Construction Company, Inc., in the amount of \$86,383 – See staff report.

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

1. Consideration of an Ordinance approving the Ivers/Baer Subdivision combining Lots 12, 16-18 of Block 52, Lots 6-9 Block 60 of the Park City Survey, and Lot One of the Ivers Replat, with adjacent remnant parcels into three lots of record, located at 154 McHenry Avenue, Park City, Utah – Kirsten Whetstone explained the request for a three lot subdivision located at the south end of McHenry where the zoning is HRL. If approved, a portion of Lot 12, Block 52 would be dedicated to the RDA to be combined with other RDA parcels. About 1,500 square feet of property will be dedicated as McHenry Avenue right-of-way. The Planning Commission conducted a public hearing and forwarded a positive recommendation to the Council on September 10, 2008. Neighborhood concerns were addressed. Liza Simpson encouraged the steps to be located in an area to minimize snow removal efforts and constructed to municipal specifications in the event City takes over maintenance at some point. The Mayor opened the public hearing; there was no comment.

Jim Hier, "I move we approve the Ivers/Baer Subdivision based on the findings of fact, conclusions of law, and conditions of approval as modified this evening". Roger Harlan seconded. Motion unanimously carried.

2. Consideration of an Ordinance approving the Marsac Avenue Affordable Housing Subdivision located at 100 Marsac Avenue, Park City, Utah – Brooks Robinson explained that the application is for a ten lot subdivision and described the location of the project area. The old railroad bed will be used for the access road and there will be two open space lots, a trail easement, and a preservation easement for the historic stone walls. In January 2008, the Planning Commission held pre-application MPD hearings where there was input from the Prospect Avenue residents. Eventually, the Commission found compliance with the General Plan, the project moved on to the MPD stage in May and June and in July, the ten lot MPD was approved. In the meantime, Talisker, as the owner, and the construction team met with neighbors concerned with the density, design, or the entire development. The design morphed over time and initially the pre-MPD application proposed ten duplex units for a total of 20 units located

in front of the historic stone wall. The project was dropped to ten single family homes located further south on the site, preserving nearly 80% of the stone wall. One of the issues brought up recently is emergency access from the end of the private street, but the Fire District has the authority to access private driveways for health, safety reasons. Finding No. 6 addresses emergency access which Mr. Robinson read. Staff believes that the City has the ability to request the emergency access easement at the location and has provided Council with an ordinance with findings of fact, conclusions of law, and conditions of approval. He advised that the application also contemplates a vacation of platted 7<sup>th</sup> Street, aka 1<sup>st</sup> Street, which exists through the middle of the property. There are no utilities in that right-of-way and the Planning Commission found good cause for the vacation. In response to a question from Jim Hier, Brooks Robinson stated that this project represents 15 affordable housing unit equivalents. Mr. Hier felt it important that the number of AUEs represented in the project is documented in either the findings for the Steep Slope CUP or the MPD so it is memorialized in a document.

Peter Barnes, agent for Jamie Thomas homeowner on Ontario Court, explained that he was contacted by Mr. Thomas to monitor the project at the subdivision stage. He complained about not being able to download the staff report on the date of the Planning Commission meeting for the subdivision action. There should have been a two-stage process but there was no preliminary plat approval process. The minimum notice requirement for a subdivision is 14 days. The application was deemed complete on August 28 and 13 days later it was approved by the Planning Commission and on its face, the application does not meet the minimum noticing requirements. He didn't feel there is enough time for an interested neighbor to analyze the project. The subdivision regulations estimates 90 days to complete the application process not 13 days. He understands the project has been discussed for over a year but not the subdivision process. The first meeting they attended was on May 28 when a completely different project was presented. Mr. Barnes felt it was a better design than the current proposal because it had very little impact on Ontario Court. He again complained about not being able to get accurate information from the website the date of the meeting and a review of a preliminary plat was never conducted by the Planning Commission. The neighbors have zero time to analyze the project. He stated that Planning Commission approval of a major subdivision in 13 days is not acceptable.

Ontario Court is not a private street; it is a private driveway. He questioned imposing emergency access on Ontario Court when there are other alternatives and someone should have talked with the neighborhood beforehand. There are other design solutions but the project would need to return to the Planning Commission for review. He read the findings of fact noting there is no height exception in the MPD which is misleading because the buildings are not single story structures. Mr. Barnes stated that the visual impacts of the project are phenomenal and it may be last affordable housing project in town because of its design. The original proposal was better. Mr. Barnes stated that

the building does not fit on the site with the setbacks applied. Exceptions will be required for parking, retaining walls and side yard areas. In order for the foundation walls to reach natural grade under the houses, the buildings must be three stories high on the downhill side. The density, as described is not true because no analysis has been done. The project is not compatible with the neighborhood. The footprints are 892 square feet not 705 square feet as indicated in the staff report. If the applicants went through the subdivision process as described in the LMC, the project would not exist in the form it does today. There is no visual analysis and the streetscape does not show buildings in relationship to grade. He questioned raising the railroad bed seven feet to put the road in; the house foundations are holding the road in place. The amount and cost of civil engineering required for this project to house 30 people in Old Town can not be affordable. Mr. Barnes felt that if Talisker has been forced to move on this project because of deadlines, it is a huge mistake. This project will have a huge visual impact and he reiterated comments on the grade of the road. Talisker has been ill-served by the process and he suggested remanding the plat to the Commission. He repeated all of his concerns in a continued lengthy dialog to again communicate the basic request to remand to the Planning Commission and to redesign the project.

Ruth Gezelius, Prospect Avenue resident, felt there are no winners associated with this project location. From the very beginning, neighbors objected to the site. Talisker should be required to build affordable housing on site instead of trying to cram it in Old Town. This site is the visual corridor for the entire Treasure Mountain side of upper Old Town. This is not a good situation for Talisker; it is a very expensive site for building, it is located in a prominent location with heavy traffic. Traffic is expected to double on the Mine Road in the next five to ten years. Building on this site will not solve any of the affordable housing problems and this property should be left as open space. Affordable housing should be constructed in a decent part of town along bus routes. Trying to stack everything on the entry corridor is not a good resort experience and Ms. Gezelius encouraged Council to arrive at a different solution.

Jamie Thomas, Ontario Court resident, stated that he disagrees with the City's findings that emergency access to 100 Marsac Avenue be granted because the driveway is private and services five houses only which is clear on the plat. The neighborhood may consider granting emergency access but were involved late in the process. The original design was disconnected from his neighborhood and was a better clustered design but then the design changed and the approval process was accelerated. The proposal can work with more scrutiny and Mr. Thomas pointed out the 16 foot retaining wall that will be required to be constructed on the north end. Visual impacts can be better minimized and he again addressed at length the private driveway issue, specifically maintenance by five home owners and the difficulty in negotiating Ontario Avenue in a fire truck. Mr. Thomas stated that he supports affordable housing and it can work on that site but it the

design should fit the grade better with clustering. He would prefer reaching a design solution rather than a legal solution.

With regard to emergency access, Candace Erickson clarified for the benefit of Jamie Thomas that the City and the Fire District are separate entities. The Council has no design information tonight, only a two dimensional plat map and in order to appreciate public input, she would need more information. Ms. Erickson recalled the private driveway request years ago which was approved under threat of a lawsuit from the applicant. The driveway was not an option, but a demand. She does not have enough information to get a sense of the relationship of 100 Marsac to Ontario Court. Liza Simpson acknowledged the difficulty in approving a plat when there is little design information. She is concerned about procedures and conflicting information on the project.

Brooks Robinson explained that the preliminary and final subdivision plat reviews can be combined into one process. Noticing occurred prior to the public hearing; it was published and the property was posted in advance, meeting all LMC requirements. He explained that the Commission prefers to have some information on design during the subdivision process, but the renderings are conceptual. All requirements, including height and setbacks must be met including all conditions of the MPD.

Discussion ensued regarding the emergency access on the private road/driveway and the possibility of accepting Ontario Court as a public roadway. Candace Erickson emphasized that the Ontario Court homes were landlocked at the time the application was submitted and the City accommodated access by approving the private driveway proposal as opposed to the option of being sued.

Jim Hier explained that 13 days elapsed before the Commission *recommended* approval to the City Council. The Commission can not render final plat approval. It is difficult to understand grade and height issues without more information. Brooks Robinson noted that more information has been submitted as part of the Steep Slope CUP, which was not available during the subdivision review. Discussion ensued regarding problems downloading the Planning Commission meeting information. Mr. Robinson detailed the status of Talisker's affordable housing obligations and Mayor Williams emphasized that Talisker has a year to comply and dead lines should not be an argument in this instance. Jim Hier agreed that affordable housing dead lines should not be a consideration in reviewing plat amendments and should not be argued here. He felt the Council should consider remanding the project to the Planning Commission for interpretation with the schematics for the grade analysis for the property and processing the Steep Slope CUP concurrently could be a more efficient approach. With regard to emergency access, Mark Harrington emphasized that the intent of the

easement is to provide improved fire services to Ontario Court not 100 Marsac Avenue Project which has been misunderstood.

David Smith, Esq. explained that Talisker began the process a long time ago, and about 25 to 30 internal iterations of the layout were prepared. About six designs made it to public hearing in different stages of iteration and this has probably been the most intensely vetted series of submittals. The project has received a lot of publicity and the public has been very involved. All of the changes made to the plan are the result of specific direction from the Planning Commission. At the end of the day, Talisker is not married to any particular design other than the hope it looks congruous with Old Town. Talisker will produce a quality project recognizing the challenges of the site. He didn't believe that returning to the Commission will produce a vastly different product because of the level of involvement to date.

Roger Harlan expressed that he needs more information and supports a remand. Joe Kernan stated that he could actually support a denser multi-family project because of the need for community housing. However, he felt that single family homes is a good solution for the neighborhood and the Council must act in the interest of the community not just one household. Jim Hier, "I move to remand to the Planning Commission to reevaluate the specific plat arrangement in light of the grade changes that would be required". He asked that Council be notified of the meeting date and added that the process would have gone a lot quicker if the density was proposed lower than the original 22 units. Mr. Hier felt the subdivision plat should be scheduled concurrently with the CUP review next week. Brooks Robinson stated that noticing requirements would not meet next week's meeting and Mark Harrington encouraged holding a work session at that time. Jim Hier encouraged Messes. Barnes and Thomas to attend the Planning Commission meeting. Liza Simpson seconded. Motion unanimously carried.

3. Consideration of Professional Services Agreement, in a form approved by the City Attorney, with Ward Engineering Group for the design and construction management of Hillside Avenue in the amount of \$168,220 – Matt Cassel explained that the Hillside Project was part of the 2002 OTIS Study and the reconstruction will include replacement of the existing utilities, possibly the retaining wall, improved walkability and resurfacing of the road. Eleven contractors bid on the project and staff recommends the award to Ward Engineering. An open house was held on September 25 and a public outreach effort will be continued. In response to a question from Liza Simpson, Mr. Cassel noted that most requests were for a sidewalk. There was no strong opinion on a connector to Main Street. The Mayor invited public input.

Ruth Gezelius, Prospect Avenue resident, felt this is a good opportunity for the City to coordinate this project with improvements to the trolley turn-around parking lot. It is not attractive and should be cleaned up.