

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
SEPTEMBER 21, 1995**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, September 21, 1995.

AGENDA

Work Session

5:15 p.m. Council questions and comments
5:30 p.m. Review of regular meeting

Regular Meeting

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III MINUTES OF MEETINGS OF AUGUST 31, 1995 AND SEPTEMBER 7, 1995

IV PUBLIC HEARINGS

1. Ordinance approving the first amendment to Trail's End at Deer Valley Record of Survey, located at Deer Valley Drive, Park City, Utah
2. Brookside Estate Farms annexation, approximately 71 acres located on SR224 across from White Pine Canyon Road

V CONSENT AGENDA

1. An Ordinance approving the Eagle Pointe Subdivision final plat (aka Quarry Mountain, South Slope)
2. Ordinance approving the first amendment to Trail's End at Deer Valley Record of Survey, located at Deer Valley Drive, Park City, Utah

3. Ordinance amending Title 4 of the Municipal Code of Park City, Utah to reflect Park City Municipal Corporation's reorganization of various departments
4. Resolution appointing Thomas B. Bakaly as the City Treasurer
5. Ordinance amending Title 7 of the Municipal Code of Park City, Utah to adopt the Summit County amended ordinance 113-F providing for animal control
6. Authorization to enter into an agreement with UDOT for removal of buildings and concrete at the Osguthorpe dairy in the amount of \$250,000; award of contract to Pappas Brick and Stone for demolition of the Osguthorpe dairy buildings, slab removal and removal of debris in the amount of \$43,800; and award of contract to Erickson Inc. For removal of bovine sludge in the amount of \$14,500
7. Authorization to purchase 938F Caterpillar rubber-tired loader from Wheeler Equipment in the amount of \$104,585

VI NEW BUSINESS

Appeal of Historic District Commission design review of 74 Prospect Avenue

VII COMMUNICATIONS FROM COUNCIL AND STAFF

VIII ADJOURNMENT

Posted: 9/15/95

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
SEPTEMBER 21, 1995**

I ROLL CALL

Mayor Pro Tem Miller called the regular meeting of the City Council to order at approximately 6:15 p.m. at the Marsac Municipal Building on Thursday, September 21, 1995. Members in attendance were Ruth Gezelius, Roger Harlan, Lou Hudson, Shauna Kerr, and Leslie Miller. Mayor Brad Olch was excused. Staff present were Toby Ross, City Manager; Nora Seltenrich, Special Projects Manager; Meg Ryan, Planner; Mark Harrington, Assistant City Attorney; and Jodi Hoffman, City Attorney.

II PUBLIC INPUT

Toby Ross introduced Tom Bakaly, the recently hired Finance Manager. He was the Budget Administrator in Pasadena and administrated an operating budget of \$300 million and a capital budget of \$50 million.

The Mayor Pro Tem invited the public to comment on any matter of City business; hearing none, the public input session was closed.

III MINUTES OF MEETINGS OF AUGUST 31, 1995 AND SEPTEMBER 7, 1995

Roger Harlan and Leslie Miller disclosed that they will be abstaining from voting on the Minutes of September 7, 1995 as they were excused from that meeting. With regard to the Minutes of August 31, 1995, Leslie Miller clarified her comments under Item 3 of New Business, and Ruth Gezelius corrected the spellings of names under Item 4 under Public Hearings. Shauna Kerr, "I move approval of the Minutes of the meeting of August 31, 1995, as corrected and the Minutes of the meeting of September 7, 1995, as presented". Lou Hudson seconded. Motion carried.

Ruth Gezelius	Aye
Roger Harlan	Aye - Abstention, September 7, 1995
Lou Hudson	Aye
Shauna Kerr	Aye
Leslie Miller	Aye - Abstention, September 7, 1995

IV PUBLIC HEARINGS

1. Ordinance approving the first amendment to Trail's End at Deer Valley Record of Survey, located at Deer Valley Drive, Park City, Utah - Meg Ryan explained that the request is to

shift two building pads on Unit 11 and 12 approximately two feet to improve drainage. This does not affect the original master planned development or unit configuration. See staff report.

With no questions or comments from the Council or the public, the public hearing was closed.

2. Brookside Estate Farms annexation, approximately 71 acres located on SR224 across from White Pine Canyon Road - Meg Ryan stated that staff is requesting direction from Council regarding proceeding to process a master planned development and a subsequent annexation agreement.

Ms. Ryan explained that the Brookside Project is located on Park City's entry corridor; six lots are proposed with residential zoning of one unit per three acres. A trail by the creek and 35 acres of dedicated open space are proposed. Development and tax revenues as well as site design review would also be potential positive aspects of this project. However, some of the impacts would be a premature extension of services as well as an accelerated development time table over the Summit County development process, which are detailed in the attached staff report. The work session held on September 7, 1995 focused on the water issue as well as overall design issues and Council was concerned that no cost be borne to the taxpayers for the extension of services or improvements. Ms. Ryan continued that a private water service could be considered with a stipulation that any future connections to City services would be fully borne by the owners of the new subdivision, which would be noted on the plat.

For the benefit of Ms. Kerr, Ms. Ryan explained that the cul-de-sac is over 600 feet, but the final length has not been determined at this point. There is a recommendation that the interior and exterior of the structures be sprinkled to mitigate the extended length. The road would be private and maintained by the home owners. Ruth Gezelius stated her interest in the amount of site coverage of asphalt. Ms. Ryan noted that the Planning Commission also brought up this issue but it was never reviewed in detail. In response to a question from Mr. Harlan regarding a one-story home on Lot 1, Ms. Ryan responded that the Sensitive Lands Ordinance would significantly reduce the allowable 33 foot height to 24 or 25 feet; those discussions were never fully exercised however. Ms. Kerr brought up the feasibility of basements and Ms. Ryan clarified that this is a wetland area, but basements were not yet analyzed. Ms. Kerr felt that the possibility of basements relates to allowable house size. Ms. Ryan stated that the 100 foot setback is determined by the Sensitive Lands Ordinance, and it is measured from the applicant's property line. Ms. Ryan clarified that the Army Corps of Engineers delineates the location of the wetlands and determines if mitigation is necessary, and any deviation from the original plan regarding access would have to be resubmitted to the Army Corps. In response to a question from Ms. Miller, Planner Ryan explained that this parcel straddles Tier 1 and 2 in Summit County; the majority of the parcel is in Tier 1. Tier 1 is medium density residential or 1:1 units/acre; Tier 2 is low density residential or 1:5; and a portion is sensitive lands

open space. Ms. Ryan noted that the density allowed in the County is similar to the City's determination.

Mr. Harlan asked the legal liability of having a portion of the City served by a private water company in the event of its failure to deliver service. Ms. Hoffman felt that the City could be protected legally, but pointed out the potential for political pressure to extend services in a direction and at an expense that the City would not have otherwise considered prudent. A note on the plat, would put owners on notice, and a condition in the annexation agreement would reiterate water service responsibilities. Mr. Harlan again voiced his concern with subsequent homeowners who may not be aware of the understanding regarding water service and may have an expectation of the City to provide service. He feared that this may be a potential "headache" for future councils. Ms. Hoffman emphasized that the proposal is before Council to make a policy decision and pointed out that there are benefits in bringing the property into the City. She explained that the City would require water improvements to the same standards as City service. Faulty service is not anticipated, however, staff has tried to cover that contingency so that the cost of the failure of the system won't be borne by the City. Ms. Hoffman continued that staff feels that this is a fairly good trade-off for the control in design, development of the entry corridor, and the open space dedication and emphasized that this is a policy choice. Roger Harlan brought up the confusion with new property owners in Prospector regarding soil mitigation responsibilities and Ms. Hoffman again pointed out that there will be a note on the plat, water service will be addressed in the CC&Rs, and people will be receiving bills from Summit Water.

It was clarified that the City's Osguthorpe property abuts this project, and other adjacent owners were described. With no further questions or comments from the Council, the Mayor Pro Tem opened discussion to the floor.

Dean Clark, project partner, stated that the mound of dirt will be used to elevate building pads or for road construction and this will be removed when their needs are determined. He indicated that the Army Corps of Engineers have granted approvals, and moving the road from the adjacent White Pine location creates less impact on the wetlands. He informed Council that after meeting with staff, it was agreed to rotate the lot pads counter-clockwise so that Lot 1 will be where Lot 2 is located and will probably be about 200 feet from the road. Lots 1, 2, and 3 will be somewhat larger; Lot 4 will be smaller; and two lots will appear where Lot 5 is located. Mr. Clark felt that this would allow them to have two-story homes on all of the lots. Ms. Kerr felt that Lot 1 will be a more desirable homesite. Mr. Clark advised Council that there is a well on the property that has been pump tested, but the City has determined that it can't be used because of the lack of fire pressure. Mr. Clark stated that as an alternative, service with Summit Water has been arranged and this issue has been satisfactorily solved.

With regard to the new access location by the Snowed Inn, Ms. Kerr asked what UDOT's requirements are for distances of driveways. Mr. DeHaan responded that ideally there

should be collector roads off of arterials not cul-de-sacs, but UDOT would ultimately approve the location. It was pointed out to Ms. Miller that an environmental impact report would not be a part of the Army Corps' review.

Tom Ellison, counsel for Brookside, clarified that Summit County allows 25% of the allowed density to be built ahead of the normal delaying schedule in Tier 2 and most of the building pads are in Tier 1 which would allow immediate development. Ruth Gezelius emphasized that the Planning Commission and City Council would not support a gated community and wanted that position made clear at this time.

Paul Sincock, Council candidate, questioned annexing non-contiguous property and asked how the trails will connect. He asked the developer what the benefits are of being in the City as opposed to the County. Ms. Hoffman clarified that Brookside is contiguous with the City limits and there has been extensive negotiations with the developer about interconnection to a trail system along the stream corridor. Mr. Clark emphasized that they were forced to apply with the City because of the change in zoning and the staff has been reviewing this for 18 months. Ms. Hoffman explained that this property is a part of the annexation declaration boundary and the City's review of the application is provided for under the interlocal agreement with the County. This parcel is within the half mile perimeter established by state law, which would require the property owner to come to the City first and engage in good faith negotiations on a development plan. Ms. Hoffman added that as far behind as the City tends to be, there is a perception that the County is further behind.

Mark Montgomery, project partner, stated that this has been a long review period and they have agreed with many of the concepts of annexation, especially the open space. He described the merits of the size of the lots and the size of the secluded estate homes. It is his desire to protect the stream and they do not want to impact the aesthetics of the area. He likes the idea of having a Park City address and the benefits of the proposal should be considered by the Council as annexation may not be possible at a later time. Roger Harlan appreciated Mr. Montgomery's comments but pointed out that the application is unique because they would not be tied into City's water and if the City had to provide water to the project development, all of the property tax gains would be lost. He cautioned the exposure the City assumes with lack of control. Mr. Montgomery felt that the language that legal counsel has negotiated is fully understandable for potential home owners. City Manager Ross pointed out that he felt that the City is legally protected and if there were problems with water service, it would probably be the result of a financial failure, not a physical failure of the system in which case someone would bail them out. If it is the City, whether or not the property owners are in the City, then the Council would have to deal with the problem of a defunct water company, however, he emphasized that if it is the County then we will have to pay for it too, because Park City residents pay County taxes. Toby Ross pointed out that Summit Water is the second largest water purveyor in the County. It is a mutual water company which means that the owners

are the entities being served. Summit Water serves Smiths, much of the Kimball Junction area, and Jeremy Ranch.

With no further comments or questions from the Council or the public, the public hearing was closed.

Shauna Kerr stated that she is apprehensive about approving this without a recommendation on annexation in the General Plan from the paid professionals who have been hired with taxpayers' dollars. However, she added that if this is turned over to the Planning Commission for master plan review and annexation, there will be additional time which may accommodate an opportunity for Council to review the experts' report and to make a fact-based decision on the annexation. She is pleased that they have shifted the lots, felt that joint access with the Snowed Inn would be preferable, and encouraged the developers to pursue that option. This configuration is better than the original street cut. Ms. Kerr noted that the Planning Commission should look at house size as she felt that even 7,500 square feet is too large, particularly if it is all above grade. She pointed out that the indigenous aspens would not screen a 10,000 square foot home. She reiterated that the Planning Commission should look at the access, house sizes, the amount of impervious surfaces for driveways, and the trail issue as it relates to tying into the County trail on Old Ranch Road. Ms. Kerr stressed that the water issue is a big one for her and is much more comfortable with the service district approach as long as it is well documented so that every buyer is aware. It is important that the water system be built and installed according to City standards and that a firm water agreement is in place. Council concurred with her comments.

Ms. Miller added that she did not want to give the applicants false hope by referring the application to the Planning Commission. She stated that the City is in the process of revising its annexation policy and she would feel conflicted if she entertained an approval without the recommendation of the professionals. Ms. Miller is pleased with Council's attitude because there should not be incremental decision-making. There are positive features of the proposal but an annexation plan is not in place. Ms. Miller noted that under the interlocal agreement that the City has with the County, there is an opportunity to review the plans even if they remain in the County. Ms. Miller thanked the developers for their presentation.

Shauna Kerr, "I move that we refer this back to the Planning Commission for MPD review and review for annexation". Ruth Gezelius seconded. Motion carried unanimously.

V CONSENT AGENDA

Nora Seltenrich, Special Projects Manager, explained that there are modified conditions of approval on Eagle Pointe which clarifies house size by square footage, designates that if the next phase does not commence in six months of completion of the road to City Engineer's standards, as weather permits, the applicant will be required to construct a turn-around, and a

condition that the staggered setbacks be indicated on the plat. She referred to a letter from Clay Stuard concerned about the formula for house sizes which has been changed to a designated square footage.

Ruth Gezelius, "I move approval of the Consent Agenda Items 1 through 7 with the following modifications. The language stated by Nora Seltenrich on Item 1 and on Item 6, revising the language to authorize staff to enter into a contract and negotiate change orders with Pappas Brick & Stone in an amount not to exceed \$80,000, and an agreement with UDOT for not less than \$250,000. The demolition contract is contingent on completion of an agreement with UDOT". Shauna Kerr seconded the motion. Motion carried unanimously.

1. An Ordinance approving the Eagle Pointe Subdivision final plat (aka Quarry Mountain, South Slope) - See comments above and staff report.
2. Ordinance approving the first amendment to Trail's End at Deer Valley Record of Survey, located at Deer Valley Drive, Park City, Utah - See staff report.
3. Ordinance amending Title 4 of the Municipal Code of Park City, Utah to reflect Park City Municipal Corporation's reorganization of various departments - See staff report.
4. Resolution appointing Thomas B. Bakaly as the City Treasurer - See staff report.
5. Ordinance amending Title 7 of the Municipal Code of Park City, Utah to adopt the Summit County amended ordinance 113-F providing for animal control - See staff report.
6. Authorization to enter into an agreement with UDOT for removal of buildings and concrete at the Osguthorpe dairy in the amount of \$250,000; award of contract to Pappas Brick and Stone for demolition of the Osguthorpe dairy buildings, slab removal and removal of debris in the amount of \$43,800; and award of contract to Erickson Inc. For removal of bovine sludge in the amount of \$14,500 - See staff report.
7. Authorization to purchase 938F Caterpillar rubber-tired loader from Wheeler Equipment in the amount of \$104,585 - See staff report.

VI NEW BUSINESS

Appeal of Historic District Commission design review of 74 Prospect Avenue - See work session notes. Mark Harrington explained that this is an appeal of a HDC decision to entertain an appeal of the Community Development approval of the design of a home at 74 Prospect Avenue. The Community Development Department approved the design of the home pursuant to the Historic

Design Guidelines on June 29, 1995. The item appeared on the HDC agenda on July 5, 1995 for informational purposes and the Code requires appeals to be filed within ten days. The appeal was not filed until July 26, 1995 and accordingly, the Legal Department recommends granting the owner's appeal to dismiss the appeal before the HDC pursuant to the discussion which occurred in work session.

The Mayor Pro Tem invited the public to comment on this matter. Hearing none, the Mayor Pro Tem requested a motion. Shauna Kerr, "I move that we grant the appeal and direct the Historic District Commission to dismiss this matter, and further that we direct our staff to continue working on recommendations to enable us to deal with the site specific locations in the Historic District to a greater degree, and particularly address the type of issues such as snow shedding and abutting property owners' impacts". Leslie Miller added that the planning staff should work closely with the Building Department to make sure that they are in communication on this particular project. Roger Harlan seconded. Motion carried unanimously.

VII COMMUNICATIONS FROM COUNCIL AND STAFF

1. Powell Property - Mark Harrington referred to a memo distributed to Council on the Powell Property (aka Utah Coal and Lumber, currently White Pine Touring) which indicated that although they have paid into the special improvement district, they were still required to provide on-site parking for any development. The owners have decided to pursue a variance before the Board of Adjustment for 50% of their parking requirement. Mr. Harrington noted that Tom Clyde, former City Attorney, has requested an acknowledgment that his representation of the Powells before the BOA would not be a conflict of interest since they are not taking a position contrary to the current legal staff. They will be arguing equity issues that they are entitled to a parking waiver not that they are entitled to a parking waiver because they paid into the SID. Mr. Harrington felt it important to make Council aware of this issue. Shauna Kerr stated that she recently attended an ethics seminar which reviewed a case where a municipality cannot waive its conflict of interest with regard to council, because it is not its to waive because it belongs to the people. As a Council, she felt it would be a good policy not to waive its conflict of interest.

2. City Manager of the Year Award - Jan Scott reported that Toby Ross has received this award from the Utah League of Cities and Towns last week. Mr. Ross stated that he received \$1,000 which he donated to the Mayors Tree Fund.

3. Patty Blanchard donation - The Council requested that a donation be made to the Blanchard children in memory of their mother.

VIII ADJOURNMENT

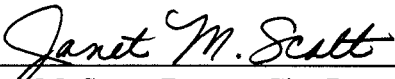
With no further business, the regular meeting of the City Council was adjourned.

Page 8
City Council Meeting
September 21, 1995

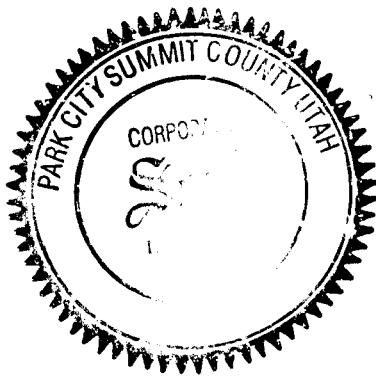
* * * * *

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

Prepared by Janet M. Scott



Janet M. Scott, Deputy City Recorder



**PARK CITY COUNCIL WORK SESSION
SUMMIT COUNTY, UTAH
SEPTEMBER 21, 1995**

Present: Lou Hudson, Shauna Kerr, Ruth Gezelius, Roger Harlan, Leslie Miller, Toby Ross, Eric DeHaan, Rick Lewis, Jodi Hoffman, Kirsten Whetstone, Mark Harrington

Absent: Mayor Brad Olch

Greg Holbrook, counsel for Aaron Honigman, 74 Prospect Avenue

1. Council questions and comments. Lou Hudson discussed the King Road sewer line and the Monitor Drive sidewalk projects. For the benefit of Roger Harlan, the City Manager explained that the trail for Silver Meadows on SR248 has not been designed yet and will probably be a project for next spring. Shauna Kerr asked if it would be possible to install flashing lights at the crosswalk at Bonanza. Jerry Gibbs responded that installing electricity would be difficult but added that the City is working with the Ski Area for an easement to accommodate a sidewalk; it is anticipated that it will be installed within 30 to 40 days. The sidewalk should minimize the number of crossings occurring at that location. Staff advised the Council of a Senior Citizen sponsored dinner on Friday, September 29 and a memorial service for Patricia Blanchard on Friday, September 22.

In response to a question from Ms. Miller, Eric DeHaan explained that the Ridgetop Development in American Flag was platted in 1980 and the home on the ridge meets setbacks and the 33 foot height limit. There are about five to six remaining lots; Ms. Gezelius added that there are no size restrictions on the homes. Leslie Miller requested that staff provide written notice to the County about the change in status of 1439 Woodside Avenue. She asked for a copy of the tree preservation ordinance and that forms be distributed to Council for health insurance coverage. Ms. Miller asked about the concerns regarding the General Plan referred to in the work session notes of September 7. Rick Lewis clarified that the time frame for amendments may be delayed past January. There will be a public hearing on the General Plan on October 12. Rick Lewis stated that the first draft on open space has been provided by the consultants. A transitional zone policy for Park Avenue and Woodside Avenue and rental rates in the affordable housing projects were discussed.

2. Review of regular meeting.

Eagle Pointe subdivision plat. Nora Seltenrich discussed a revision of a condition of approval which would clearly outline allowable house sizes on a lot specific basis as opposed to the formula indicated in the staff report. Council felt that the applicant should construct a turnaround

for emergency vehicles if a road is not built in time for the next phase, according to City Engineer standards.

Appeal of Historic District Commission design review of 74 Prospect Avenue.

Mark Harrington explained that staff approved the design for 74 Prospect Avenue on June 29. The matter appeared on the HDC agenda as an information item on July 5, 1995. The City received an appeal of the design approval on July 26 from David Chaplin, a neighbor. A hearing was held before the HDC for the appeal on August 21, 1995 and the matter was continued until September 25 as the HDC requested additional information. The owner Aaron Honigman, filed this appeal on August 29 contesting the jurisdiction of the HDC to hear the first appeal since the first appeal was not filed within ten days of July 5.

Mr. Harrington explained that staff is recommending that an additional notice be sent at the application stage so that adjacent neighbors have notice of the staff action, not just as an informational item on an agenda. The appeal from Mr. Chaplin voiced concerns about the height of the structure, and Mr. Harrington stressed that it is well below the allowable height in the LMC. This concern relates to neighborhood compatibility. With regard to snow-shedding concerns, the Assistant City Attorney noted that that is something that is not in the purview of the HDC.

Leslie Miller discussed her confusion on how the staff approval could conflict with the neighbors perception of the design. Mr. Harrington explained that staff is still using the old design guidelines which do not give staff the ability to address these issues. The new guidelines have been reviewed by the Planning Commission but need to be reviewed by the Council. The snow-shedding aspects would not be reviewed by the HDC as it is more of a safety issue and would be considered by the Building Department at the building permit stage. Ms. Miller felt that it would be more efficient to involve the Building Department earlier. The City Manager explained that the new proposal would accomplish this; Pat Putt explained that this will be reviewed by the Planning Department in October and hopefully on the Council agenda by November. Planner Janice Lew stated that she did not visit the site as she is familiar with the area, and the current guidelines do not address contextual issues.

Ms. Kerr stated that it is important to provide staff with the appropriate tools and asked Mr. Holbrook how willing his client is to make sure that his house will be welcomed in the neighborhood. Mr. Holbrook believed that his client has done that and added that if snow-shedding becomes a concern, it will be dealt with at the building permit stage and he is not concerned about that. Mr. Holbrook continued that he is concerned about the process which they have complied with. Ms. Gezelius pointed out the 20% grade of Prospect and meeting the letter of the law may not be sufficient in determining that someone is building a safe and compatible structure. Mr. Holbrook believed that his client and architect have addressed site specific characteristics. Ms. Kerr discussed designing homes on paper which may not meet the realities of the topography of a site in Old Town. Lou Hudson felt that everyone could be satisfied if there was a cooperative effort. Mr. Holbrook

Page 3
City Council Work Session
September 21, 1995

responded that the plans are in plan review currently and they will adjust the design if there are problems flagged by the Building Official. Ms. Kerr added that the plans are flat and are not reviewed in conjunction with adjacent structures. Although there is no provision for contextual review, she felt that his client should be sensitive to impacts on neighbors. Mr. Holbrook stated that he agreed with Council's comments and emphasized that his client has complied with the letter of the law and to hold up his application any further would not be appropriate.

Prepared by Janet M. Scott