PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
AUGUST 2, 2007

Present: **Mayor Dana Williams; Council members Marianne Cone; Candace Erickson; Roger Harlan; Jim Hier; and Joe Kernan**

Gary Hill, Acting City Manager; Mark Harrington, City Attorney; Jon Weidenhamer, Project Manager; Patrick Putt, Planning Director; Eric DeHaan, City Engineer; Tom Daley, Deputy City Attorney; Myles Rademan, Public Affairs Director; and Phyllis Robinson, Affordable Housing Specialist

Dave Spatafore and Ray Briscoe, Insight Research; Planning Commissioners Jack Thomas and Michael O'Hara; Brandon Johnson, bond counsel

1. Council questions/comments. Joe Kernan reported on the NOMA Board meeting where a suggestion was made to consider a round-about in the area as a part of the Lochner study recently approved by Council which he also felt is worthwhile for the engineers to explore. Eric DeHaan explained that staff met with H W Lochner. Stakeholders were identified and a round-about is included in the scope of the study. Mr. Kernan referred to the letter from the Comstock Avenue neighborhood about diverting commercial traffic and Marianne Cone discussed evaluating pavement test sections on Holiday Ranch. She felt that the school drop-off zone will be an improvement and pointed out that two muses have been added to the transit center. In response to a comment from Ms. Cone about parking on Park Avenue for the Silly Sunday Market, Max Paap acknowledged that some of the vendors were parking on the street for convenience purposes but the organizers contacted participants to urge them to park in the parking garage. He added that message boards will be installed on Park Avenue directing patrons to festival parking. Roger Harlan commended staff on the quality of the Citizens Guide. He relayed that joint transportation recommendations, including lighting along Lucky John, the drop-off, and Comstock measures should be in place by the time school begins. He felt that bus rider-ship will increase in the County because of transit schedule adjustments. Mr. Harlan expressed that all water conservation violations be cited. Jim Hier referred the HMBA meeting where seasonal housing was discussed among members. The Chamber is committed to promote what housing is available through MCHT and to inform its members about housing options. The Chamber advertises employment opportunities nationwide in Park City and will link housing information. The interagency task force meeting was held during the week where the local economy, affordable housing, and the trend of the increase in number of primary residences compared to second homes were discussed. The special events committee met to debrief Triple Crown and the soccer tournament.

Council member Hier understood that the parking facility at Richardsons Flats has been presented by staff to the Snyderville Basin Planning Commission. He felt that the

Council should have had an opportunity to review the design first and that one or two Council members should participate in related meetings with staff. Tom Daley interjected that he happened to be at that meeting for a different reason. He relayed that Doug Clyde presented the project on behalf of Talisker who represented that the project will be phased based on direction from the City. Jim Hier pointed out that direction was that the parking be built all at once and he and Candace Erickson expressed an interest in attending future meetings on the application.

Candace Erickson reported on ULCT businesses, specifically the issue relating to changing the form of government. As a task force member she relayed that the recommendation is that in order change form of government, an election is required. She detailed other related issues raised as a part of the study, including switching to a commission form of government. If other reform issues are requested to be explored, the task force felt those should be studied separately. She reported that the Cattle Company building on Park Avenue was granted a demolition permit.

Mayor Williams spoke fondly about his participation in the Triple Crown events. He commented on potential federal funding for water improvement projects and the likelihood that President Bush will veto it. He discussed the Peace House fund-raiser and reported on the Wasatch Back Environmental Alliance meeting where he observed attendance is dwindling. He discussed the report from the Governor's Committee on Climate Change where recommendations are prioritized and associated costs are outlined.

<u>Walkability projects</u> – Jon Weidenhamer explained that a placeholder was established in the budget for the Little Kate/Lucky John project in the amount of $350,000. This will fund a sidewalk from Holiday Ranch to Lucky John next to the pavement but the plan for the piece from Lucky John to the school drop-off zone intersection was not finalized. He stated that Interplan was contracted to formulate alternatives which are outlined in the meeting packet. There are two sets of recommendations for projects should Council decide to place a bond issue on the November ballot and the existing project list can be expanded if a bond is successful. However, the timing of the bond issue is likely to result in delaying projects until 2009.

He stated that the current situation and infrastructure do not meet the standards to warrant a school zone and staff is recommending devices that would mimic a *pedestrian-friendly zone*, including flashing lights and/or signs. Mr. Weidenhamer emphasized that the Legal Department has not yet analyzed the risks of this plan, whether it is against the law and/or whether installing the devices add liability to the City. Candace Erickson believed that since a school zone is not warranted, the City should proceed with improvements and is interested in hearing a legal opinion. Roger Harlan expressed concerns about potential risks on a number of levels in not following national standards. Joe Kernan and Jim Hier agreed to proceed pending legal advice. Marianne Cone believed that the new design of the drop-off zone will significantly improve congestion and the hard curb is an added safety feature. Its effectiveness can be measured when school starts which should provide helpful in formulating solutions to address any problems in its operation. Gary Hill pointed out that whether or not a bond passes, staff will return in November to seek specific direction on projects. Joe Kernan hoped that the word *school* could be used on signs in the area.

Jon Weidenhamer referred to Option 2, which is a road re-crown with narrow travel lanes and a five foot sidewalk at the back of the curb; it would not affect landscaping. Option 3 is installing a sidewalk within the right-of-way and impacting people’s landscaping. Expanding the project would require a budget amendment for more funding. Marianne Cone felt that one problem with landscaping to the street on Lucky John and Little Kate, is impaired line of sight. Sidewalks tend to open areas at intersections. Candace Erickson acknowledged her interest in addressing this area in Park Meadows but never contemplated disturbing residents’ landscaping. She prefers narrowing the road. The Mayor agreed but reminded members that concerns in the neighborhood were raised because of speeding. Jim Hier understood the congestion problem but noted that it is difficult to speed unless a motorist is not stopping at the stop signs. He referred to the few people this project will serve, but stated that he prefers the approach of narrowing the street and constructing a sidewalk. Joe Kernan spoke about the benefits of Option 4, including a park strip for snow storage, etc. Roger Harlan agreed with Mr. Hier’s comment regarding the low number of people benefiting from the project, and relayed his observation that in the summer, the street is essentially empty. He acknowledged concerns about the safety of children walking to school and that summer patterns are somewhat different, but all taxpayers are being asked to fund it. Marianne Cone believed that once the project is built, more people may use it. Jon Weidenhamer reiterated the features of Option 1 which is staff’s recommendation. It will realign the intersection and by way of illustration of the area, Eric DeHaan explained the installation of curb and gutter. Ms. Cone emphasized the importance of including landings or safe places to stand at crosswalks. Joe Kernan requested that raised crosswalks be considered in the November discussion. Candace Erickson pointed out the need to relocate a couple of crosswalks ten or so feet, because as the neighborhood has changed over the years, the initial locations are no longer functional. Jon Weidenhamer detailed the elements of realigning the intersection at Little Kate and Monitor if a bond issue passes.

He referred to Interplan’s determination that a three-way stop sign is not warranted and the dangers of perceived safety. The Legal Department advised that it is legal to not follow ETCD warrant standards because Council can make this discretionary decision and the City has governmental immunity from potential liability. Joe Kernan stated that he still supports the three-way stop and Jim Hier agreed that it will force people to slow down and stop at the intersection. Marianne Cone asked if additional traffic devices can be installed there. Candace Erickson believes it is an intuitive crossing and supports the three-way stop sign. Jon Weidenhamer acknowledged discussions on improvements to Monitor Drive which are expensive and not recommended at this time. Marianne Cone suggested installing a hard curb around the blind curve area at the intersection of Monitor where there is a rolled curb. Eric DeHaan responded that it is an option. Mr. Weidenhamer stated that staff will return in November.

<u>Walkability bond issuance</u> – Gary Hill introduced Dave Spatafore of Insight Research to review the survey results. Mr. Spatafore explained the process for determining survey questions which was conducted by telephone the second week of July. 87% believe that Park City needs more traffic calming devices and 50% believe that that $1.9 million is adequate. A sizeable majority however supports spending more than $1.9 million. 55% believe that the traffic light on SR248 is sufficient which Mr. Spatafore interpreted as a lack of interest for an overpass or underpass on SR248. The Mayor pointed out that 60% of those polled live in Park Meadows and are not impacted by the Prospector situation. Mr. Hier believed that SR248 is not a safety issue but a traffic problem and if the questions were phrased differently, there might have been a different result. Joe Kernan relayed that the support for the overpass/underpass was stronger in the Prospector neighborhoods at 30% but agreed that the wording of the question affected the response. He felt it appropriate to continue to look at this solution. With regard to an underpass/overpass on Bonanza Drive, Mr. Spatafore stated that 72% were in favor and 24% were not. Nearly two out of three respondents support reconstruction and narrowing road widths in Park City. 50% favored the Little Kate and Lucky John project with 21% indicating they would probably support. He expressed that these results are significant. With regard to paying more in property taxes, two out of three support a bond at $20 million. This is overwhelming but there are variables, including the upcoming election.

Gary Hill requested direction for the bond amount and the ballot language which should be specific as possible, but flexible enough to prioritize projects. Bond counsel advised that unless the City is absolutely planning on proceeding with projects or type of project, they shouldn't be included in the bond question and have provided sample language. This would allow the City to do everything contemplated plus provide enough flexibility to meet future demands. Staff is recommending a term of 15 years. Joe Kernan asked if projects could be detailed in the piece promoting the bond. Brandon Johnson, bond counsel agreed that the pamphlet would be the place to specify projects. Members agreed with the recommended ballot question and the term. In response to a question from Jim Hier about the bond amount, Gary Hill explained that improvements to SR248 and Little Kate could total as much as $12 million plus the $1.9 totals about $14 million and $15 million will cover everything identified to this point. Mr. Hier felt the City would have a better chance passing a $15 million bond rather than $20 million. Roger Harlan suggested considering reducing the bond to $10 million. Jim Hier believed this would not capture enough funding for committed projects and Gary Hill noted that no engineering has been conducted and estimates are preliminary. Joe Kernan pointed out that 20% does not support a property tax increase and he favors the $15 million compromise. Gary Hill stated that staff will return on August 16 with a bond resolution.

McPolin Farm conservation easements – Myles Rademan explained that the property was purchased in 1990 and over time restrictions were placed on the Farm regarding use. A third party conservation easement with Summit Land Conservancy has been crafted which captures allowed and prohibited activities.

Mayor Williams pointed out that a survey was not conducted. Mr. Rademan stated that there is a legal description on the deed and a map. A survey was considered but determined to be unnecessary and an added expense. The Mayor felt that all properties placed in a conservation easement should be surveyed and Mark Harrington advised that surveys should be conducted at the time of the review by COSAC or at the time of purchase. Mr. Harrington explained that a survey is irrelevant for conservation easement purposes because the City is transferring what it owns, regardless of what a survey would reveal in terms of the boundaries. Although, he felt that conditioning open space purchases with a survey may be a better approach. Title insurance is obtained for purchases and there is the potential of losing an opportunity to purchase open space because of delays with surveying properties. Mr. Harrington relayed that this is a conscious risk that the City has proceeded upon, notwithstanding obtaining title insurance. Jim Hier requested a review of the Gillmor Parcel as a 100 acres disparity is significant and he agreed that all open space acquisitions should be surveyed. Matt Twombly explained for the benefit of Marianne Cone that the piece of property extending west of Aspen Springs contains a 12" water line which is not included in the conservation area. Marianne Cone recommended surveying the *farm yard* and the Mayor agreed that excluded areas should be surveyed and added that the easement can still be approved. Roger Harlan liked the increase in allowed special events from 8 to 12 and it was explained that this is in the CUP not the conservation easement. Marianne Cone felt that waiting to place a conservation easement was a good decision so uses could be evaluated.

The Mayor reiterated that released land should be surveyed rather than referring to the aerial photograph. The City Attorney advised members not to approve the conservation easement if they favor proceeding with a survey, because it could potentially affect this document. If members want the area surveyed it should occur before the conservation easement action. Jim Hier stated that he doesn't mind postponing the action and Marianne Cone agreed. Mr. Harrington advised the potential degree of scrutiny by inches when maintaining the use area which is a different philosophy. Mr. Rademan interjected that the land has been protected over the years and uses have been well circumscribed to date. A survey is possible and but he felt it was not a wise expenditure of open space funds. Joe Kernan relayed that he is comfortable with the aerial photograph exhibit. Jim Hier felt that a survey should be conducted and Mr. Harrington warned that the City has disputed inches with a property owner adjacent to another conservation easement and there is the potential that this could occur with the Farm property. Mayor Williams believes that certified surveys should have been done for all purchases and felt that the City may have paid for acreage it didn't receive and the value of the lost acreage would more than cover the expense of a survey. Candace Erickson believed that is a separate issue and agreed with staff's opinion with regard to the benefits to the City with providing some flexibility. Jim Hier reiterated his position and Mayor Williams polled members. A majority of members including Candace Erickson, Roger Harlan and Joe Kernan favored moving ahead with approving the conservation easement without a survey with Marianne Cone and Jim Hier opposed.

<u>Vertical zoning</u> – Because of limited work session time, members decided to discuss this topic at the regular meeting.

<u>Introduction of the Park Bonanza General Plan Element</u> – Planning Director Pat Putt stated that the Planning Commission unanimously forwarded a positive recommendation on the Park/Bonanza amendments to the General Plan. He encouraged members to review the document. A public hearing is scheduled on August 30. This document will serve as a supplement to the General Plan until such time as the Sustainability Team has an opportunity to rewrite the element. He feels the addendum anticipates redevelopment and development but is still geared toward small local businesses and restaurants. It envisions maintaining the existing residential component and contemplates new residential for residents but not necessarily visitors. Staff analyzed tenant mix and is recommending limiting individual tenant space to 50,000 square feet because of inherent limitations, including traffic considerations. Tenant uses between 15,000 and 50,000 square feet will be scrutinized and Mr. Putt pointed out that MPDs must go through a public pre-application hearing process where the Planning Commission determines whether the application complies with General Plan requirements. He discussed connecting the Park/Bonanza area with other neighborhoods. The height is capped at 50 feet and the element reflects the overall height and scale of the existing standards of the GC Zone. There is provision to evaluate open space and protection of view corridors on a case-by-case basis. Staff has included the possibility for an inter-modal center acknowledging that a regional transportation study has not been completed.

Mayor Williams suggested including green building design standards. He expressed concerns that the language is not strong enough to discourage big box commercial projects. Jim Hier read portions of Section 3.5.2 addressing this concern and he felt being too specific is not advisable. Mr. Putt believes that 3.5.2 reflects the intent of the area and establishes existing square footages as the bench mark. The Planning Commission was uncomfortable with a *hard number*. Candace Erickson discussed identifying loopholes and the possibility of connecting commercial buildings for tenant expanded space and Mark Harrington explained that connecting buildings across property lines requires a subdivision process.

<u>Joint Planning Commission session – Park City Heights</u> – Patrick Putt explained that the affordable housing plan includes 64 mandatory affordable housing units; 20 Park City Heights units, 16 Talisker units (Montage), and 28 IHC units. In addition, there are 82 other affordable housing units; 52 deed restricted affordable town homes in Empire and 30 twin homes in Empire Pass. Phyllis Robinson advised that the meaning of *affordable* is tied to area median income and *attainable* is defined as 80% to 120% of area median income which results in more expensive, but deed restricted housing.

She stated that 30 affordable housing units will be provided on-site as a bonus. Through illustration of a rendering, Mr. Putt described the conveyance of 24 acres to the City for open space and the 176 acre Clark Ranch where all of the Park City Heights units will be developed. The Talisker units are being proposed on the 40 acres United Park City Mines/Talisker property. The purpose of the Park City Heights Task Force was designed to provide early input for the Planning Commission and the developer on major elements of the application. The task force was established in 2006 and its purview was limited to housing, transportation, community economy, density and zoning. The term of the task force was extended 90 days so that the affordable housing feature could be analyzed. Mr. Putt stated that the task force unanimously rendered detailed findings and recommendations on July 10, 2007.

He explained the key elements of the recommendations. The Community Transition Zone is recommended for the properties which has a base density of 1:20 acres with an allowance for density up to one unit per acre if compliance is met on a number of performance standards. These include additional open space, frontage protection zone setbacks, site sensitive parking, public transit and/or recreation facilities, trails, additional affordable housing and/or the implementation of green building standards. The task force reviewed at length a traffic analysis and the study has been forwarded to members of Council. The distributed fiscal impact study concludes that the annexation will have a positive impact and Mr. Putt referred to a finding that the affordable housing component is consistent with the City's housing resolution and CT zoning requirements. The evolution of the integrated site plan through the task force process is another finding and Mr. Putt emphasized that this does not represent a final action on the site design which will be determined during the MPD process. The Planning Commission will first forward a recommendation on the annexation to the City Council and if annexation should occur, the Commission will proceed with the MPD application.

All members supported the CT zoning designation. Discussion ensued regarding the standards for green building, including site design and orientation. Mr. Putt invited a policy discussion on the level of LEED anticipated. Planning Commissioner Jack Thomas believed that green building costs decrease per square foot and can be absorbed in larger projects. LEED certified projects promote a public relations component and acts as a model and goal to the development community. The LEED documentation process is also important because it validates that the building is performing as intended. He stated that there are a variety of LEED categories and recommended adding *design innovation.* Mr. Thomas expressed that it is worth exploring for larger scale projects and the real cost of applying LEED standards should be determined. The Mayor admitted that he is not as familiar with residential green building approaches and Mr. Thomas believed they can naturally be incorporated when designing for a mountain environment.

Jim Hier stated that the Council recently adopted affordable housing green building standards which he understood would apply to this proposal. Phyllis Robinson agreed and confirmed that the current resolution requires a LEEDS certified level. He asked if members desired to advance the level of certification which the Mayor supported. Marianne Cone stated that she favors adding the design innovation standard and spoke about installing integrated HVAC systems or pursuing solar opportunities. Jim Hier requested clarification from members with regard to the level and application of green building standards as the project contains affordable housing units, cottages, and home sites. In response to a question from the Mayor, Jack Thomas acknowledged that certifying single family is more difficult because LEED hasn't finalized the process. Discussion ensued about the possibility of the parcels being developed by different owners and Mr. Thomas suggested formulating incentives to build green. In response to a comment made by Joe Kernan about awarding density bonuses, he explained that the CT zone has a base zoning of 1:20 acres and in order to obtain maximum residential of density an applicant must meet specific performance standards. There was discussion about the lack of a LEED process for evaluating single family projects. Phyllis Robinson explained that the LEED pilot for this program is still a few years out, which will be designed to consider overall projects not individual units. She recommended applying appropriate multi-family standards in the interim.

Jim Hier pointed out that historically the Council has waived fees or provided other considerations for affordable housing and imposing higher standards for this project seems inconsistent. Roger Harlan recalled discussions on the police facility leading to the decision to apply LEED standards but not to pursue certification because of the added cost. The Mayor agreed but stated that now he sees it differently because he has learned more about the process. Candace Erickson believes that as more architects and engineers become certified by LEED, services will become more common and a part of the design process. Mark Harrington summarized that members have agreed to add *design innovation* as a category and general direction to the staff and the Planning Commission to explore a full range of options to accomplish green building.

All members concurred with the proposal to move IHC's density to this location and moved on to the density question. Candace Erickson expressed her concern about 303 units on 200 acres and felt that affordable housing should be mixed in neighborhoods. This proposal separates affordable housing and market units. She acknowledged that a final design for the units will not be available this early in the process but the public is interested in attractive units. Jim Hier stated that he is not certain if 30 additional units at this location are appropriate. This area will require expanding the City's bus service to Quinns Junction. He described the transfer fee associated with the Empire Pass properties to mitigate transportation impacts which may also be considered as a part of the annexation. Roger Harlan pointed out that the proposal to add Talisker's units came later in the task force's review. Marianne Cone asked how many people 303 units would house and the impacts on the schools. She feared that this project will create a little town with no services. Candace Erickson hoped the housing will be occupied by residents and not people from Salt Lake who want to live in Park City and Phyllis Robinson described a selection system for qualified locals. Joe Kernan stated that he appreciated Ms. Erickson's comments on mixing housing which he supports as well as mixing the size of parcels; he pointed out the benefits of diversity. He felt that for-sale units and pride of home ownership will address some concerns expressed by adjacent neighbors. He added that a transportation plan needs to be identified.

Jim Hier explained that the task force thoroughly examined the properties and housing obligations and the committee concluded that 303 is the number that fits within the zoning and amount of open space. He acknowledged that the affordable housing units were excluded from the density calculation and then added in and while it appears that the density is greater than 1:1, it is the maximum allowed in the zone. It is not a given, but the result of the analysis of the task force. Patrick Putt clarified that the base density is represented by 157 market units and 82 *additional* totaling 239 on 239 acres. The 64 required affordable housing units do not count toward the base density. All members agreed that the 303 units should be considered by the Planning Commission and Jim Hier asked that a transfer fee be considered to fund transportation mitigation efforts. In response to a question from Marianne Cone, Mark Harrington explained that the water component is included in the pre-annexation agreement.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
AUGUST 2, 2007

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, August 2, 2007. Members in attendance were Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present was Gary Hill, Acting City Manager; Mark Harrington, City Attorney; Ray Milliner, Planner; Brooks Robinson, Planner; Max Paap, Special Events Manager; Phyllis Robinson, Project Manager; and Ray Milliner, Planner.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

1. Walkability bond survey - Joe Kernan pointed out that the Insight Research survey revealed that 85% of the Prospector neighborhood unselfishly supported Park Meadows improvements.

2. Joint work session with Planning Commission – Planner Brooks Robinson stated that the Planning Commission requested a joint session with the City Council to discuss a street vacation in the Rossi Hill neighborhood. It was agreed to hold the work session on August 30.

3. Traffic calming update – Jonathan Weidenhamer referred to the manager's report outlining the improvements planned for Comstock Avenue.

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

1. Utah for a Healthy Environment - Alexander Loft, Less Coal, thanked Council for supporting his event in late June, which was a success in promoting Utah for Healthy Environment's message.

2. Employee housing incentives – Michael Kaplan, resident and candidate, stated that he is exploring purchasing rental properties in Park City. He pointed out that potential revenues from nightly rentals far outweigh long term rentals and in the interest of providing affordable housing, suggested that the City established incentives to make up for the disparity between nightly and monthly rental income to owners.

3. Comstock Drive traffic concerns – Kyle Jessen, resident, felt it important to limit commercial traffic through residential neighborhoods. He relayed that the neighborhood is in general agreement with the plan outlined in the manager's report. The speed feed-back signs have worked well. He individually addressed points raised in the letter sent to the City from the Prospector Square Owners Association expressing an opposing view on the residential character of Comstock Avenue. He thanked the Mayor, Council

and staff for the first phase of improvements and acknowledged Council's commitment to lower the volume and speed of traffic in the area.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JULY 12, 2007

Roger Harlan, "I move approval of the minutes of the meeting of July 12 as presented". Joe Kernan seconded. Motion unanimously carried.

V CONSENT AGENDA PUBLIC HEARINGS *(items listed will be open for public hearing prior to consideration for adoption or rejection; hearings may also be continued by vote of the Council)*

Marianne Cone, "I move to remove Item 4 under the Consent Agenda to Item 3 under New Business". Joe Kernan seconded. Motion carried unanimously.

1. Consideration of an Ordinance approving a plat amendment to the King Ridge Estates, located at 255 Ridge Avenue, Park City, Utah **(motion to continue to August 30, 2007)** – The Mayor requested a motion to continue. Marianne Cone, "I so move". Roger Harlan seconded. Motion unanimously carried.

2. Consideration of an Ordinance approving the 1375 Park Avenue Subdivision, Park City, Utah **(motion to continue to August 9, 2007)** - The Mayor requested a motion to continue. Candace Erickson, "I so move". Roger Marianne Cone seconded. Motion unanimously carried.

3. Consideration of an Ordinance approving a street vacation and plat amendment, for the property described as Lots 27 – 32, Block 75 and all of Lots 18 and 19 of Block 76 of the Park City Survey, also known as 147 Ridge Avenue Subdivision, Park City, Utah – Planner Ray Milliner explained that the Planning Commission and City Council approved the application, including a street vacation and a land exchange for the property located at 147 Ridge Avenue in late 2005. Delays occurred in recording the plat because of an error on the mylar and the one year time line expired. The Mayor opened the public hearing, and hearing no input from the audience, closed the public hearing.

4. Consideration of a Master Festival License to allow amplified music at The Shop's 10th Anniversary Event, to be held at 1127 Woodside Avenue - Moved to New Business.

5. Consideration of the proposed issuance of not to exceed $22,5000,000 Multi-Mode Variable Rate Industrial Revenue Bonds, Series 2007 on behalf of the United States Ski and Snowboard Association – Gary Hill explained that a public hearing is

required for this IRB for conduit financing for USSA. There is no action scheduled tonight. The Mayor invited the public to comment and with no input, closed the hearing.

VI 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")*

Jim Hier, "I move to approve Consent Agenda Items 1 and 3". Marianne Cone seconded. Motion unanimously carried.

1. Ordinance approving a street vacation and plat amendment, for the property described as Lots 27 – 32, Block 75 and all of Lots 18 and 19 of Block 76 of the Park City Survey, also known as 147 Ridge Avenue Subdivision, Park City, Utah – See staff report and public hearing.

2. Master Festival License to allow amplified music at The Shop's 10th Anniversary Event, to be held at 1127 Woodside Avenue – See staff report and New Business.

3. Authorization to the City Manager to execute an agreement with Norwest for hydrologic studies, in a form approved by the City Attorney, in the amount of $68,500 – See staff report.

VII RESIGNATIONS AND APPOINTMENTS

Consideration of appointment of two members to the Recreation Advisory Board for terms expiring 2010 – Joe Kernan, "I recommend the Megan Steele and John Halsey to the Recreation Advisory Board". Roger Harlan seconded. Motion unanimously carried.

VIII NEW BUSINESS *(new items with presentations and/or anticipated detailed discussions)*

1. Consideration of approval of the Deed of Conservation Easement to Summit Land Conservancy for the McPolin Farm Property in a form approved by the City Attorney – See staff report. The Mayor invited public input and there was none. Marianne Cone stated that the conservation easement exempts the barn and farm yard so community events can continue to be held on the property. Council member Cone, "I move to approve the conservation easement to Summit Land Consevancy for the McPolin Farm Property in a form approved by the City Attorney". Candace Erickson seconded. Motion unanimously carried.

2. Consideration of an Ordinance approving amendments to the Park City Land Management Code to Chapter 15-2.6 – Historic Commercial Business District and 15-2.5 – Historic Recreation Commercial District relating to prohibiting office, residential, or other non-sales tax generating uses and other similar or associated uses in the HCB and HRC Districts in storefronts as well as related definitional changes to the LMC Chapter 15-15-1 – Definitions – Jon Weidenhamer explained that protecting the unique vitality of Main Street is a goal of Council and stated in the economic development strategic plan. Since the 2002 Winter Games, the City has been maintaining better information on the street. On April 5, the Council and Planning Commission jointly supported proceeding with a *vertical* zoning ordinance and on May 24, a Municipal Code amendment was made prohibiting approval of local consent letters for liquor and private clubs who do not allow the general public to apply for membership.

Mr. Weidenhamer noted that the Planning Commission held public hearings on this LMC amendment on June 13 and 27 and recommends approval. The goal is to control uses in store fronts in the downtown core, which was expanded during the Commission review to include all of Swede Alley, Heber Avenue, and Park Avenue. He relayed that there have been concerns expressed by owners of Heber Avenue and Park Avenue properties. Properties north of Doolans located at the Village at the Lift (Summit Watch) have been excluded and he described the properties affected on Park Avenue. The Mayor opened the public hearing.

Michael Kaplan, citizen, candidate, and former Main Street bar operator, expressed support for the amendment. On another matter, he spoke about trying to control misleading advertising at timeshare sales offices mimicking information centers to attract people on the street.

Jana Potter, owner of the Silver Queen Hotel and 820 Park Avenue, stated that it has been her desire to develop 820 Park Avenue over the years and this amendment has the potential to affect her plans dramatically. She has considered constructing a building on the parcel to be used as her residence and real estate office and being included in this overlay zone dramatically affects her property. She explained that she has consistently been involved in planning matters, but missed public hearings on this proposal because of illness. Although the City has technically met its obligation by publishing notice in the *Park Record*, mailed notice on a zone change to affected property owners seems appropriate, especially for out-of-state owners. The Silver Queen Hotel is a condominium which is operated as a boutique hotel and her office, one condominium unit, is on the first floor. The ordinance would prohibit her from expanding her business on her property and this does not seem fair. As a landlord, she has always worked hard to find good tenants to add to the vitality of Main Street. She urged Council members to remove Park Avenue properties and spoke about the benefits real estate businesses bring to the community. Ms. Potter hoped that she can maintain her signage on both Main Street and Heber Avenue. There should have been better noticing to all affected businesses.

David Belz, property owner, stated that he supports the intent of the legislation but pointed out that diversity is not a bad thing and some real estate services on Main Street contribute to the street. He added that his Parkwood project on Park Avenue is residential and there may be circumstances where residential clubs are appropriate on the first level.

Alexander Loft, resident and commercial broker, stated that he favors the concept and grandfathering current businesses on Main Street. He hoped that the loophole for transfer of rights is adequately addressed. Mark Harrington explained that there is not a grandfather clause but rather non-conforming uses would be governed accordingly by state law. Existing non-conforming uses would be allowed to continue doing business in the building subject to the provisions of that code.

Mike Sweeney, HMBA, pointed out that there is still the ability to locate offices, residences and private clubs above the first level and it is important to preserve the vitality of Main Street. He pointed out an error in the footnote in the use table and staff agreed that it should be amended. He concurred with Jana Potter's comments on excluding Park Avenue.

With no more comments from the public, the Mayor closed the public hearing. Discussion ensued about revising the overlay boundary. Jim Hier felt comfortable excluding Park Avenue and Jon Weidenhamer suggested excluding the properties in the HRC Zone on Park Avenue as another option. Marianne Cone recommended that Council members have an opportunity to consider this matter a little longer to fully comprehend the new proposed boundary. Mark Harrington also advised that this be continued so that staff is prepared with a revised exhibit to the Ordinance. In response to a question from Ms. Erickson about expanding a non-conforming use, Mr. Harrington explained that a non-conforming use can expand within a building as long as no structural change is made and the parking requirement is met.

Jim Hier, "<u>I move to continue the ordinance to August 9, 2007</u>". Marianne Cone seconded. <u>Motion carried unanimously</u>.

3. <u>Master Festival License to allow amplified music at The Shop's 10th Anniversary Event, to be held at 1127 Woodside Avenue</u> – This item was moved from the Consent Agenda. Max Paap explained that the event is planned for August 17 and 18 from 9:30 a.m. to 8:30 p.m. and 8:30 a.m. to 7 p.m. respectively. The application is being reviewed as a MFL because of the request for amplified music in a residential neighborhood. Marianne Cone stated that she was contacted by adjacent residents

opposed to the amplified music. Residents have been recently impacted by the skate park event last weekend and the Park Silly Sunday Market activities every week. She prefers that there be no amplified music as a part of the celebration. In response to questions from Roger Harlan, applicant David Belz noted that patrons will be directed to the parking lot across the street. Sandy Geldhof explained that the amplified music will only be on Saturday from 3 p.m. to 7 p.m. in conjunction with a community barbecue. The courtyard is enclosed and contained and the band will be oriented away from the residential neighborhood. Mr. Belz added that all neighbors will receive invitations. The amplified music is slated for a short time frame and is integral to the festivities planned. The Mayor opened the public hearing.

Mike Sweeney stated that he supports this event. In fact, his neighborhood held a block party with amplified music last night and he felt that this is a great idea.

Puggy Holmgren, 1209 Park Avenue, stated that she supports any celebration without amplified music. The street is very noisy and another event adds to the existing nuisances. She described the impacts of the skate park event last week and urged Council to deny the request.

With no further comments from the audience, the Mayor closed the public hearing.

Candace Erickson asked what would happen if 500 people show up and David Belz explained that the occupancy in the building is 425 and the grounds around the facility is large enough to accommodate a large crowd. Ms. Erickson clarified that her concerns relate to noise and parking impacts in the neighborhood with a large number of people. David Belz expressed that it is a mistake to discourage community celebrations by becoming too *homogenized* because of perceived negative impacts to a few for a short window of time. This is a gift to many. Marianne Cone referred to The Shop's ad in the *Park Record* and encouraged the applicants to promote public transportation. Mr. Belz responded that the copy can be changed to encourage transportation/parking options. Sandy Geidhof clarified that this is not going to be an annual event, but is a celebration of their 10 year anniversary. She added that the music could be cut off at 5:30 p.m. David Belz suggested a two and a half hour window sometime between 3 p.m. and 7 p.m. Jim Hier felt that setting times is important and suggested 6 p.m. Mark Harrington clarified that Council would be amending Condition No. 2 with regard to the music and for the benefit of Ms. Cone, noted that attendance is governed by occupancy limits. Marianne Cone felt that there have been a lot of requests for amplified music in residential areas lately and an event in a commercial building should not negatively affect residents.

Sensing that a majority of members supported the application, Mark Harrington advised that the motion incorporate an amendment to Condition of Approval No. 2 by adding that amplified music would be limited to 3:30 p.m. to 6 p.m. on Saturday. Jim Hier, "I move we approve the master festival license for The Shop as amended by our City Attorney". Marianne Cone seconded. Motion unanimously carried.

IX OLD BUSINESS *(items continued from a previous meeting)*

1. Consideration of a request to modify the affordable housing plan by transferring three units from the St. Regis Deer Crest Hotel project site to site(s) located within the Park City corporate limits, subject to conditions – Phyllis Robinson stated that this item was continued from the July 12 meeting. The proposal is to transfer three units from the hotel site to locations within the Park City corporate limits. On July 12, the City Council raised a number of issues for staff to explore with the developer. The current housing requirement is 2,400 square feet configured as three 800 square foot two bedroom units. The proposal is to move the housing requirement of 2,400 square feet off-site and the target market was a topic of discussion at the previous meeting. She relayed the demand for home ownership in the community and the original 2,400 square feet was intended for this housing product with an additional 1,200 square feet moved off site for rental by the workforce. There are 12 conditions of approval outlined with regard to deed restrictions, remodel standards, inspections, proximity to public transit, etc. Additionally, no certificates of occupancy will be released for Phase 1 of the hotel until the affordable housing obligation is completed. Should Council approve the recommendation to move the units off site, the obligation will be fulfilled within a year.

In response to a question from Mayor Williams, Jeffrey Glassberg stated that the sales prices for units at the St. Regis range from $1,100 to $1,400 per square foot. Mayor Williams pointed out the need for additional transitional type housing at the Peace House and suggested that this project may provide a solution. Mr. Glassberg relayed that he had preliminary discussions with Peace House Executive Director Jane Patton expressing interest but not knowing the process. In order to adequately plan, the fundamental decision needs to be made on the construction of on-site and off-site units. Mr. Hier pointed out that Condition No. 1 reads that the 1,200 square feet will be rental or for-sale and if the Peace House is a consideration, this should be modified to allow transitional type housing. The Mayor asked how members felt about expanding housing for the Peace House and the City Attorney cautioned Council not to deliberate on this proposal because it is not on tonight's agenda. This is a separate matter that can be entertained at another time. He explained that the City Council is charged to determine what meets the guideline for the use of the affordable units and whether that proposal meets that standard.

Marianne Cone acknowledged the increase in square footage from 2,400 to 3,600 and asked if there are other significant changes. Ms. Phyllis relayed that the other substantive element is moving from family-sized ownership units to providing some ability to have some of these units owner/occupied and others rental. On July 12, the Council expressed that mixed housing may be a better approach and the original development agreement did not specify the type of unit the developer had to provide on the mountain. The final determination is at the discretion of Council. Jim Hier felt that timing is important here to ensure the delivery of a housing product within a year and processing an application for a transitional housing element for the Peace House may delay the project.

Ms. Cone felt there is value on having these units on site, noting that the original agreement required three units on site and one off site. Joe Kernan suggested formulating a conversion rate for locating on site, within the City limits, and within the School District. Approving this amended plan for units off site may set a bad precedent. Jim Hier pointed out the incentive for considering this plan is obtaining the bonus affordable housing units. He felt that St. Regis Hotel employees will be coming from the Mayflower side and not commuting through town and deliveries are conditioned to use US40. Candace Erickson emphasized that the original requirement was 12 affordable housing units of which eight were satisfied with an in-lieu-of payment. She stated that she is strongly opposed to in-lieu-of fees and agreed with Ms. Cone; 1,200 square feet is not enough to move off site. The Mayor invited the audience to comment.

Scott Loomis, Mountainlands Community Housing Trust, stated that eight or nine years ago when this project was approved, the Planning Commission and City Council recognized the high cost of land and required on-site development which was only 25% at the time. Over time, the problem has been compounded because of values. Units were required on-site unless the developer could demonstrate compelling evidence that an alternative method will result in a better design, enhanced level of affordability, or that the construction on-site would adversely affect the design of the project. He asked what is being accomplished here. If the developer buys existing units that may not be restricted, he is not adding to affordable housing stock, like on-site development. St. Regis can essentially avoid the obligation by buying a unit, putting a restriction on it, and reselling it. The cost is virtually nothing and Mr. Loomis did not feel that the plan mitigates the hotel's impacts in any way. This is a bad precedent for future projects. If Council chooses to locate the units off-site, he suggested lowering the area median income by 30% which would lower the rent.

Jeff Glassberg, agent for St. Regis, assured Council that the cost of acquisition, remodel and resale to provide affordable housing is substantial. Further the acquisition of units within Park City adds to affordable housing stock, especially since properties on the market today are neither priced affordably for sale or for rent. Roger Harlan believed that is difficult to determine. Mr. Glassberg added that this plan will create new ownership opportunities which would not occur with the units on site.

Candace Erickson, "I move to deny the request to transfer the three units". Jim Hier seconded. Motion carried.

Marianne Cone	Aye
Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Nay

2. Consideration of an Ordinance approving the amended record of survey map for the Stag Lodge common area record of survey plat located at 8200 Royal Street East, Park City, Utah – Ray Milliner explained that the plat amendment was reviewed by the City Council on July 12, 2007 and continued to this date. The application is a request to modify the record of survey plat to allow for an expansion of the restaurant area and lobby area and two accessory buildings located on site to house a boiler for a snow melt system and a trash enclosure. At the hearing on July 12, there were a number of concerns expressed by Council members and the public regarding the project and staff was instructed to address these issues. These included noticing, impacts of the accessory building as it relates to noise, odor, etc. Additionally, the finding of fact relating to the location of the snow melt system near the water and sewer lines was another topic of discussion. Members directed the applicant to meet with neighbors in an attempt to reach agreement on the plan in the meantime. Mayor Williams acknowledged correspondence distributed to Council members and stated for the benefit of the public that it is difficult to read these letters with proceedings already underway. The Mayor opened the public hearing.

Steve Deckert, Alliance Engineering on behalf of the Stage Lodge, agreed with Mr. Milliner's staff report and reminded Council that the action is processing a plat amendment in support of much needed upgrades to the Stag Lodge. This is not the process to address the bulk, setback and use regulations of the RD Zone.

Tom Elison, attorney for Double Eagle Condominiums distributed another letter to Council members. He expressed his confusion that this project did not go through an MPD process for the amendment where there would have been an opportunity to address all issues at the Planning Commission level. The accessory buildings are closer to Double Eagle than any other building located in the MPD project and MPD is a defined use in the Code and in this zone, is regulated as a conditional use. An MPD use consists of a site plan with multiple buildings and uses. He didn't believe it is the City's intent to take a site plan and allocate some buildings as being outside the power of an MPD or conditional use analysis, while some buildings are within the power of an MPD. This fundamental distinction is essentially allowing a possible interpretation that one permitted use prevails over an inconsistent but more important policy that all the uses within an MPD project should be evaluated by MPD standards and conditional uses. The Code specifically requires this in the case of an amendment. He read Section 15.6.4 provides that any modifications to an MPD which constitute a change in configuration of any portion of the MPD justifies an entire review of the master plan and development agreement by the Planning Commission. He felt that the problem the City Council is experiencing is a project that has not been thoroughly reviewed in a public process by the Commission. The types of issues that haven't been explored include the authority to adjust a setback in an MPD where significant vegetation needs to be protected or to provide an adequate buffer of uses. There are other available sites at Stag Lodge and the opportunity for City review has not occurred. Mr. Elison alleged that the units should be clustered and Double Eagle's concerns relate to the location the building. He again referred to clustering buildings and felt that the location of the building is in the middle of an area that used to contain significant vegetation. These issues go beyond a plat amendment and the fundamental policies of the LMC for large scale projects with impacts on adjacent properties. There are nine applicable conditional use standards protective of his clients and reiterated his comments on the lack of an MPD process. Mr. Elison argued that plat amendments can not result in injury to any person and there must be good cause. He again reiterated that this application should have been reviewed by the Planning Commission as an amendment to the MPD. One of his clients offered to financially contribute to the Stag Lodge to relocate the accessory building, with no results. He urged Council to direct the project to the proper process and in the interim, have the Planning Commission review it, and he and his clients will work on a solution.

Mark Harrington stated that in an attempt to fully understand Mr. Elison's analyses and for consistency purposes, pointed out that the City and Mr. Elison's firm just completed an MPD process for the IHC Hospital at Quinns Junction. If his argument is apply to the MPD, it would mean that if a dumpster is moved from one location to another on the hospital campus or if there is a change to the mechanical plan different than the original MPD, that a full re-evaluation of the MPD would need to occur. Mr. Elison believed that the decision to reopen would be determined by the Planning Commission and is a matter of significance. He re-read Section 15, changes in MPDs which constitue a change in density, unit type or configurastion of any portion or phase of the lMPD will justify review of the entire development atgreement by the Plannling Commission unless othesrwise specified in the development agreement the modifications are determined to be substantive". Mark Harrington stated that obviously if Council agrees with Mr. Elison and reconsiders the process for this application would set a precedent as it applies to every MPD. If there is a change in the mechanical plan or very simliar site issues, that staff has to consider it a substantive amendment. Mr. Harrington emphasized that he wants to fully understand the implicaltions of Mr. Elison's arguments and the importance of treating all applications consistently.

Planner Brooks Robinson explained that the MPD in this case is the Deer Valley MPD. Stag Lodge is not an MPD and everything within the Deer Valley MPD is reviewed under a conditional use process. Outstanding projects include development of the Deer Valley Resort parking lots and the north Silver Lake parcel. This application is an amendment to the Stag Lodge CUP and an allowed use in the RD Zone, which doesn't require a CUP review.

Linda Stice, Alpine Properties, stated that the public notice was inadequate and distributed a letter from Double Eagle Condominium owners, Jerry and Kathleen Grundhofer. The Board appreciated the continuance, the issuance of a stop work order on July 13, and obtaining information from the Stag Lodge. She read a lengthy letter from the Grundhofers opposing the construction of the accessory building which they believe will negatively affect their quality of life. The Grundhofers believed that the notice was misleading and urged the City Council to deny approval of the accessory building at this location or continue the stop work order to allow the home owners to continue to work with Stag Lodge so a better solution can be found. She read another lengty letter from the Grundhofers pointing out the significant amount of money they spent on a remodel of their unit before they were aware of the Stag Lodge project, which will destroy their property values. The letter went on to request that the Council and City Attorney ensure that the Building and permit departments will not retaliate in any way as it relates to their property improvements because of their discussions about the Stag Lodge expansion.

She indicated that she sought an opinion from an appraisal expert, Walter Chudleigh, and read his letter into the record regarding the impact of this proposal on Double Eagle property values. Ms. Stice read the detailed correspondence into the record addressing the impact of the new structure on the Double Eagle condominium units, but admitted that it is difficult to quantify without more precise data with regard to design features, use and operation procedures. Mr. Chudleigh indicated that it is safe to conclude that the building will have no positive impacts on the Double Eagle Condominiums and it is probably that there will be negative impacts. The accessory building will reportedly have an attractive stone exterior and shake roof which ties in with the architectural elements of the Stag Lodge. Views will be somewhat screened by vegetation in the summer but the accessory building will be very visible in the winter. It is probable that the snow melt system will be noisy and may be odors from the dumpsters. Mr. Chudleigh's letter concluded that properties that are adjacent to nuisances will typically sell at a discount. She acknowledged that this is not a formal appraisal and thanked Council for its time.

Mark Harrington immediately addressed the Grunhofers' retaliation remark by stating this would never occur, Mitchell Burns, owner of Double Eagle Condominium Unit #2, distributed photos of the construction project from his unit. He discussed his family's willingness to pay Stag Lodge to move the building. Mr. Burns discussed his field trip to Little Belle Condominiums to observe the impacts of a similar system where he observed that the noise will be constant and unacceptable. He didn't feel that the offer to plant five evergreen trees in front of the building will screen it adequately and felt the project should be moved across the street.

With no further input from the audience, the public hearing was closed.

Marianne Cone stated that she feels the Planning Commission needs to hear this application again. Candace Erickson felt that the notice should have contained a description of the mechanical boiler room and garage facility so that problems can be addressed appropriately and not at this late date. She was offended by staff's defense of the wording of the notice and agreed that the Planning Commission look at the plan, because it appears that the accessory building element was not reviewed. City Attorney Harrington explained that noticing is a difficult balance that staff continues to struggle with. It is important to note that staff was not trying to *slip this through* and he emphasized that the notice complaint is cured by the fact that the public is here. Council also continued the hearing and action on the project to provide an opportunity for the parties to meet and exchange information. It has not been the practice of the City to detail mechanical and garbage on any amended conditional use permit and Park City provides more notice than required by state law. The mailed notice is a courtesy notice and not required but is provided because of the large number of second home owners. The Double Eagle property to the accessory building was not residential, in this context it is a plat change, not a use issue, because the use is permitted. Additionally, it is not substantive, because it is not a substantive amendment which is the process that staff used. He acknowledged valid concerns, but comments need to be based on the Code and alleged impacts need to in the context of the review standards for a plat amendment.

Ms. Erickson recognized the investment made by the Stag Lodge on this project and believes that it shouldn't have proceeded this far. Mr. Harrington noted that the Stag Lodge proceeded at its own risk and should not weigh in on Council's decision. The Mayor believed the City can do a better job on noticing but also has health and safety concerns associated with building a structure over public utilities. Jim Hier felt it important that the Planning Commission hear the same public input and in fairness to everyone, a remand seems appropriate. He asked that it be placed on the next available Planning Commission agenda. Joe Kernan felt direction to the Commission should include an analysis that no one will be materially harmed or adversely affected by the plat amendment. Mark Harrington suggested that the City Council remand the plat amendment and Mr. Elison's argument that this is also a substantive amendment to the conditional use permit of the Deer Valley MPD subject to associated criteria and processes.

Joe Tesch, attorney for Stag Lodge, stated that *talk doesn't make facts* and there are misleading comments. The allegations about noise, odor and disrupted views are not true. He understood that this will be sent back to the Planning Commission regardless of his argument, but urged the City Council to expedite the review. Stag Lodge did nothing wrong here and complied with every request and requirement. The delay is costly and he asked members to minimize delays. Mr. Tesch reiterated that many comments made were contentious and untrue.

Jim Hier stated that he felt that staff did not err in its evaluation of the project as an incidental use to the CUP but felt the Planning Commission should hear the public input. Mark Harrington suggested a remand to the Planning Commission to consider an additional finding of fact stating that one of the accessory structures will have mechanical and garbage uses because these elements were not described in the original review. The Commission can then determine whether this fact changes its analysis and conclusions and whether additional conditions of approval should be recommended. The Mayor requested that the snow melt system over City utilities be addressed, and Planner Milliner explained that snow melt system easements in the City's right-of-way are very common.

Jim Hier, "I move that we remand this back to the Planning Commission so that they can review additional Finding of Fact No. 6 that there is an existing mechanical/garbage building located approximately 38 feet from the south property line and that they review the applicabilitly of the snow melt system straddling the utility lines as a possible hazard". Joe Kernan seconded. Council member Hier reiterated direction that this remand be reviewed as expeditiously as possible. Motion unanimously carried.

X ADDITIONAL DISCUSSION – AGENDA ITEMS

XI ADJOURNMENT

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

Janet M. Scott, City Recorder