

**PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JULY 7, 2005**

Present: Mayor Dana Williams; Council members, Kay Calvert, Marianne Cone, Candace Erickson; Jim Hier; and Joe Kernan

1. Ribbon-cutting for dirt bike jump – At approximately 3 p.m., the Mayor and City Council officially opened the dirt bike park, located at the old sewer treatment site off of Holiday Ranch Loop Road.

2. Planning Commission interviews – At approximately 3:30 p.m. in the Marsac Municipal Building, the City Council interviewed applicants for two vacancies on the Planning Commission. Candidates included David Hull, Charlie Wintzer, Tom Hurd, Britte Kirsch, Stewart Gross, Mark Sletten, Gil Blonsley, and Laura Suesser. Interviews concluded at 5:45 p.m.

Prepared by Janet M. Scott, City Recorder

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JULY 7, 2005**

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, July 7, 2005. Members in attendance were Dana Williams, Marianne Cone, Candace Erickson, Jim Hier, and Joe Kernan. Kay Calvert was excused. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Dave Maloney, Planner; Brooks Robinson, Planner; Alison Butz, Special Events and Facilities Manager; and Gary Hill, Budget Manager.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Joe Kernan recognized Shirin Spanenberg in the audience, a newly elected Chamber board member. In response to a question from Marianne Cone about excavation activity in Bonanza Flats, Eric DeHaan explained that it is part of Talisker's construction mitigation plan, material from the site is being transported to Wasatch County and the mine road is not being used. Ms. Cone reported on the success of the artists' co-op on Main Street. Candace Erickson commented on the festivities on the 4th of July and thanked all of the organizers. The Historical Society met and is moving ahead methodically with its expansion. She announced that the group is hoping to acquire 2,500 square feet of free space for storage during the construction period. Jim Hier complemented staff on handling logistics associated with the Cycling Fest. He reported on the newly created City/Chamber events coordinator position and added that Stein Eriksen was presented the Community Service Award. The Mayor commented on the dedication of the new bike jump park, which already appears to be popular with our youth. A delegation from Richmond, B.C., the upcoming Winter Olympic venue for skating, visited the City during the week.

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

1. Mountainlands Community Housing - 555 Deer Valley Drive affordable housing project. Resident Harvey LaPointe explained that he was never opposed to this project, only the density. He believed the initial completion date was January 2004. It is likely it won't be finished until January 2007 and also likely that the loan from the City will have to be extended again. As an adjacent neighbor, the completion is important to him from an aesthetic standpoint, but a bigger concern to him is holding up qualified buyers. He added that there are rarely more than two workmen on site and he urged Council to assist in expediting the project, if possible.

2. Library Board appointments – Board member Kate Doordan expressed her support of the proposed appointments to the Board.

IV RESIGNATIONS AND APPOINTMENTS

1. Library Board appointments of Jane Campbell, Bobbie Pyron and Gary Dickey for terms expiring June 30, 2008 – Marianne Cone “I move we accept these nominations to the Library Board”. Candace Erickson seconded. Motion carried.

Kay Calvert	Absent
Marianne Cone	Aye
Candace Erickson	Aye
Jim Hier	Aye
Joe Kernan	Aye

2. Recreation Advisory Board appointments of Carol Potter, Rob Lea, and Matthew Galvin for terms expiring June 30, 2008 and reappointment of Liza Simpson for a term expiring June 30, 2008 – Jim Hier, “I move approval”. Joe Kernan seconded. Motion carried.

Kay Calvert	Absent
Marianne Cone	Aye
Candace Erickson	Aye
Jim Hier	Aye
Joe Kernan	Aye

3. Public Art Advisory Board appointment of Judy Taylor for a term expiring June 30, 2007, and reappointments of Susan Packard and Julie Hopkins for terms expiring June 30, 2007 – Marianne Cone, “I move we appoint these three to the Public Art Advisory Board”. Jim Hier seconded. Motion carried.

Kay Calvert	Absent
Marianne Cone	Aye
Candace Erickson	Aye
Jim Hier	Aye
Joe Kernan	Aye

V CONSENT AGENDA PUBLIC HEARINGS

1. Amendments to Title 12, Sign Code (motion to continue to August 25, 2005) – The Mayor requested a motion to approve the continuance. Jim Hier, “I so move”. Marianne Cone seconded. Motion carried.

Kay Calvert	Absent
Marianne Cone	Aye

Candace Erickson	Aye
Jim Hier	Aye
Joe Kernan	Aye

2. Ordinance approving the Mazzone Subdivision plat located at 205 Woodside Avenue plat amendment, Park City, Utah – Planner David Maloney explained that the application proposes the combination of two and a half lots into one lot of record in the HR-1 zone. The Planning Commission forwarded a positive recommendation on June 22, 2005 and staff recommends approval based on the findings of fact, conclusions of law, and conditions of approval outlined in the ordinance. The Mayor invited the audience to comment and hearing no input, closed the public hearing.

3. Ordinance approving the Holm Subdivision plat located at 1326 Park Avenue, Park City, Utah – Dave Maloney stated that approval will create one legal lot in the HRM zone and the Planning forwarded a positive recommendation on June 22, 2005. The Mayor opened the public hearing, and hearing no comments, closed the hearing. In response to a question from Jim Hier, Mr. Maloney stated that the Planning Commission also approved Sullivan Road access and the HPB application is pending.

4. Ordinance amending Section 15-2.21-4(A) of the Land Management – Planner Brooks Robinson explained that the Planning Commission forwards a positive recommendation on the amendment after holding two public hearings on June 8 and June 22, 2005. This revision was prompted by the Overlook Project in Deer Valley, specifically grading within the 50 foot no-build setback on steep slopes. The current sensitive lands ordinance does not address vertical feet and is open for interpretation. The new language provides some flexibility for the Planning Commission to allow some reductions to setbacks from very steep slopes within the Sensitive Lands Overlay. In response to a question from Jim Hier regarding limiting the area of a cut on a steep slope by measuring from grade, Mr. Robinson explained there is no provision for this yet, but the Planning Commission has expressed interest in revising the steep slope conditional use process. Candace Erickson expressed concerns about the word, “excessive” which is very subjective. It was explained that the Legal Department recommended omitting specific numbers so that the Planning Commission can decide on a case-by-case basis. Mark Harrington interjected that the determination would not be arbitrary as there will need to be findings to support site specific conditions. There will be a rationale behind the designation of “excessive”, including impacts to adjacent slopes or properties, etc. It is suggested to provide more flexibility and to omit hard numbers which was problematic. Marianne Cone commented that this may be precedent-setting. Mr. Robinson pointed out that it is likely that the City will receive applications on steep slopes as Old Town is built out. Jim Hier added that the Planning Commission spent a considerable amount of time discussing ways to minimize impacts of the project’s cuts and improving the design of the development.

5. Master Festival License for the dedication of the sound garden to be held at City Park on August 15, 2005 – Park City Arts Council – Alison Butz explained that this event is produced by the Arts Council with the assistance of the Public Art Advisory Board. There will be a demonstration of instruments and the Brian Hess Memorial Sound Garden will be dedicated.

Mayor Williams emphasized that he has no problem naming the garden after Brian Hess but is concerned about the lack of City Council input. Ms. Butz explained that there was a fund established by the Hess Family which has been allocated to this project. Jim Hier felt it appropriate to support this dedication but that the Council addresses a process for naming venues. The City Manager suggested that this be discussed on August 4. The Mayor opened the floor for comments, and hearing no input, closed the public hearing. In response to a question from Candace Erickson, Ms. Butz advised that there are no other events in the park on August 15.

VI CONSENT AGENDA

Jim Hier, "I move we approve Consent Agenda Items 1 through 4". Joe Kernan seconded. Motion carried.

Kay Calvert	Absent
Marianne Cone	Aye
Candace Erickson	Aye
Jim Hier	Aye
Joe Kernan	Aye

1. Ordinance approving the Mazzone Subdivision plat located at 205 Woodside Avenue plat amendment, Park City, Utah – See staff report and public hearing.

2. Ordinance approving the Holm Subdivision plat located at 1326 Park Avenue, Park City, Utah – See staff report and public hearing.

3. Ordinance amending Section 15-2.21-4(A) of the Land Management – See staff report and public hearing.

4. Master Festival License for the dedication of the sound garden to be held at City Park on August 15, 2005 – Park City Arts Council – See staff report and public hearing.

VII NEW BUSINESS

Resolution confirming the donation of 1.1 acres of land toward Park City's match to the Federal Transit Administration (FTA) Grant for the construction of the Transit Center and Roundabout – Gary Hill explained that in 1999, Park City received a matching grant from the FTA for the construction of the transit center and round-about. The FTA provided 80% of the funding for the projects and the terms of the grant allowed the City to donate the land, representing the remaining 20%. The Resolution formalizes the closure of the grant. In response to a question from Jim Hier, Mr. Hill explained that the City is not conveying the land but dedicating it to the project as our share of the match. Acceptance of grant funds guarantees that the transit center and round-about will remain in place. Candace Erickson, "I move that we adopt a resolution confirming the donation of 1.1 acres of land toward Park City's match to the Federal Transit Administration grant for the construction of the Transit Center and Roundabout which we all love". Jim Hier seconded. Motion carried.

Kay Calvert	Absent
Marianne Cone	Aye
Candace Erickson	Aye
Jim Hier	Aye
Joe Kernan	Aye

VIII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 1:30 p.m. Members in attendance were Mayor Dana Williams, Marianne Cone, Candace Erickson, Jim Hier, and Joe Kernan. Kay Calvert was excused. Staff present was Tom Bakaly, City Manager and Mark Harrington, City Attorney. Jim Hier, "I move to close the meeting to discuss property, personnel and litigation". Joe Kernan seconded. Motion carried.

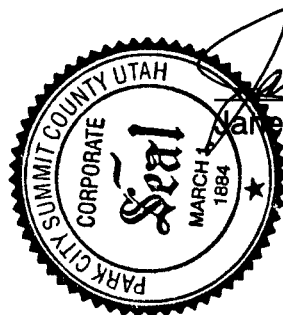
Kay Calvert	Absent
Marianne Cone	Aye
Candace Erickson	Aye
Jim Hier	Aye
Joe Kernan	Aye

The meeting opened at approximately 3 p.m.

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.

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City Council Meeting
July 7, 2005

Prepared by Janet M. Scott



Janet M. Scott

Janet M. Scott, City Recorder

City Council Staff Report

Author: David Maloney
Subject: Mazzone Final Plat
205 Woodside Ave
Date: July 7, 2005
Type of Item: Administrative



**PLANNING
DEPARTMENT**

Summary Recommendations:

The Planning Staff requests that the City Council open the public hearing on the Final Plat of the Mazzone subdivision plat located at 205 Woodside Avenue, take any input and discuss as necessary. The staff has provided Findings of Fact, Conclusions of Law and Conditions of Approval for the City Council's consideration.

Topic

Applicant Location	Mary Beth Mazzone 205 Woodside Avenue Lot 1 and south ½ of Lot 2, Block 31, Park City Survey
Zoning Adjacent Land Uses	HR-1 Residential, City steps

BACKGROUND

The current legal description of the property is Lot 1 and South ½ of Lot 2, Block 31, Park City Survey. The applicant would like to remove the lot line that exists on the property, which separates Lot 1 and 2 in order to create one lot of record.

The applicant is requesting a plat amendment to create a legal lot of record that will have 38.86 feet of frontage along Woodside Avenue, and 75 feet of depth. The new lot is to be adjacent to Second Street, and will have a total area of 2896.4 square feet.

In addition to this application for a Plat Amendment, the City received applications in May, 2005 for a Conditional Use Permit to allow construction on a steep slope, as well as a Historic District Design Review. The applicant is proposing to construct a 200 square foot addition, predominately to the second floor of the house, and a 20 foot by 10 foot deck to the rear of the house.

The Planning Commission heard this application at its regular meeting of June 22, 2005 and forwarded a positive recommendation.

ANALYSIS

The property is located in the HR-1 zone. The proposed plat amendment will create a lot of approximately 2896.4 square feet in size, which complies with the minimum lot size requirement of 1875 square feet, dictated by the LMC (15-2.2-3). Access to the lot will continue to be from Woodside Avenue. The creation of this legal lot of record is required by the City before further site development can occur.

Department Review

This project has gone through an interdepartmental review. No additional issues have been raised.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record. No specific input has been received by the time of this report.

Alternatives

- The City Council may approve the final plat of the Mazzone subdivision with the conditions stated, or modify the conditions, or
- The City Council may deny the final plat of the Mazzone subdivision and direct staff to prepare findings supporting this recommendation, or
- The City Council may continue the discussion to a later date.

Recommendation

The Planning Staff requests that the City Council open the public hearing on the Final Plat of the Mazzone subdivision plat located at 205 Woodside Avenue, take any input and discuss as necessary. The staff has provided Findings of Fact, Conclusions of Law and Conditions of Approval for the City Council's consideration as found in the Ordinance.

Ordinance No. 05-

**AN ORDINANCE APPROVING THE MAZZONE SUBDIVISION PLAT LOCATED AT
205 WOODSIDE AVENUE, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as 205 Woodside Avenue have petitioned the City Council for approval of the Mazzone subdivision plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on June 22, 2005, to receive input on the Mazzone subdivision plat;

WHEREAS, the Planning Commission, on June 22, 2005, forwarded a positive recommendation to the City Council; and,

WHEREAS, on July 7, 2005 the City Council approved the Mazzone subdivision plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Mazzone subdivision plat.

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

SECTION 1. APPROVAL. The Mazzone subdivision plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 205 Woodside Avenue in the HR-1 zone.
2. The current legal description of the property is Lot 1 and South ½ of Lot 2, Block 31, Park City Survey.
3. There is a non-historic dwelling located on the property.
4. The applicant is requesting a plat amendment to create a legal lot of record that will have 38.86 feet of frontage along Woodside Avenue and 75 feet of width.
5. The new lot is to be adjacent to the Second Street Steps, and will have a total area of 2896.4 square feet consistent with the minimum requirements of the LMC for a lot within the HR-1.
6. Access to the property is from Woodside Avenue.
7. The minimum lot size in the HR-1 District is 1875 square feet.
8. The applicant is proposing to construct a 200 square foot addition, predominately to the second floor of the house, and a 20 foot by 10 foot deck to the rear of the

house.

9. The Planning Commision forwarded a positive recommendation to Council on June 22, 2005.

Conclusions of Law:

1. There is good cause for this plat amendment.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.
3. As conditioned the plat amendment is consistent with the Park City General Plan.

Conditions of Approval:

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
3. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

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

PASSED AND ADOPTED this 7th day of July, 2005.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Exhibit A: Proposed Final Plat (Mazzone subdivision plat)

Mazzone Subdivision An Amendment to Block 31, Park City Survey

OWNER'S DECLARATION AND CONSENT TO RECORD

I, Mary Beth Mazzone, do hereby certify that I am the owner of the above described land and that I am the person who has caused this plat to be prepared and recorded. I hereby declare that the information contained herein is true and correct to the best of my knowledge and belief. I further declare that I have no other interest in the land except as herein shown. I hereby consent to the recording of this plat and to the issuance of a plat of the same by the County Clerk.

By: Mary Beth Mazzone
 STATE OF UTAH
 County of Summit

Witness my hand and seal of office this 19th day of May, 2005. Mary Beth Mazzone, County Clerk.

Witness my hand and seal of office this 19th day of May, 2005. Mary Beth Mazzone, County Clerk.

LEGAL DESCRIPTION

Beginning at the intersection of the south line of the Park City Survey and the east line of the Mazzone Subdivision, thence south 89° 15' 00\"

OWNER'S DECLARATION AND CONSENT TO RECORD

I, Mary Beth Mazzone, do hereby certify that I am the owner of the above described land and that I am the person who has caused this plat to be prepared and recorded. I hereby declare that the information contained herein is true and correct to the best of my knowledge and belief. I further declare that I have no other interest in the land except as herein shown. I hereby consent to the recording of this plat and to the issuance of a plat of the same by the County Clerk.

By: Mary Beth Mazzone
 STATE OF UTAH
 County of Summit

Witness my hand and seal of office this 19th day of May, 2005. Mary Beth Mazzone, County Clerk.

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I, Mary Beth Mazzone, do hereby certify that I am the owner of the above described land and that I am the person who has caused this plat to be prepared and recorded. I hereby declare that the information contained herein is true and correct to the best of my knowledge and belief. I further declare that I have no other interest in the land except as herein shown. I hereby consent to the recording of this plat and to the issuance of a plat of the same by the County Clerk.

By: Mary Beth Mazzone
 STATE OF UTAH
 County of Summit

Witness my hand and seal of office this 19th day of May, 2005. Mary Beth Mazzone, County Clerk.

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Beginning at the intersection of the south line of the Park City Survey and the east line of the Mazzone Subdivision, thence south 89° 15' 00\"

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I, Mary Beth Mazzone, do hereby certify that I am the owner of the above described land and that I am the person who has caused this plat to be prepared and recorded. I hereby declare that the information contained herein is true and correct to the best of my knowledge and belief. I further declare that I have no other interest in the land except as herein shown. I hereby consent to the recording of this plat and to the issuance of a plat of the same by the County Clerk.

By: Mary Beth Mazzone
 STATE OF UTAH
 County of Summit

Witness my hand and seal of office this 19th day of May, 2005. Mary Beth Mazzone, County Clerk.

Witness my hand and seal of office this 19th day of May, 2005. Mary Beth Mazzone, County Clerk.

LEGAL DESCRIPTION

Beginning at the intersection of the south line of the Park City Survey and the east line of the Mazzone Subdivision, thence south 89° 15' 00\"

City Council Staff Report

Author: David Maloney
Subject: Holm Final Plat
1326 Park Avenue
Date: July 7, 2005
Type of Item: Administrative



**PLANNING
DEPARTMENT**

Summary Recommendations:

The Planning Staff requests that the City Council open the public hearing on the Final Plat of the Holm subdivision plat located at 1326 Park Avenue, take any input and discuss as necessary. The staff has provided Findings of Fact, Conclusions of Law and Conditions of Approval for the City Council's consideration.

Topic

Applicant: Kurt von Puttkammer on behalf of Lael Holm
Location: 1326 Park Avenue – Part of Block 24, Snyder's Addition
Zoning: HRM
Adjacent Land Uses: Residential, City Park

BACKGROUND

The applicant is requesting a plat amendment to combine a metes and bounds parcel within Block 24, Snyder's Addition to the Park City Survey, and create one lot of record, Lot 1, to be called the Holm Subdivision. Currently, the applicant owns the metes and bounds parcel and the house that sits on the parcel. The purpose of this plat amendment is to create a lot of record, so that the applicant's house, which is historic, would then be situated on one legal lot. If this plat amendment is approved, the new lot would be 2675 square feet. Evidence from Planning Department records indicate that in 1977, the owner of the property at 1326 Park Avenue applied to the Board of Adjustment (BOA) for a variance to permit the current substandard lot. The Planning Director has determined that sufficient documentation exists to indicate the BOA approved a variance for the current lot size on March 10, 1977. No additional BOA action regarding the lot size is necessary at this time.

Through a separate, yet concurrent Conditional Use Permit application, the applicant is seeking to gain approved access to the property from Sullivan Road. The applicant is also planning on submitting a Historic District Design review application in the near future in order to renovate and build an addition to the existing house.

The Planning Commission reviewed this application at its regular meeting of June 22, 2005 and forwards a positive response.

ANALYSIS

The property is located in the HRM zone. The proposed plat amendment will create a lot of approximately 2675 square feet in size, with 37 feet of frontage on Park Avenue and 37 feet of width at the rear, along Sullivan Road. It is intended that access to the lot will be formalized in the way of a driveway from Sullivan Road. The proposed lot does not meet the minimum lot size requirement of 2,812 square feet, as outlined in the LMC [Section 15-2.4-4 (A)] however; the Planning Director finds that a variance to permit a substandard lot was granted on March 10, 1977 and therefore the lot of record can legally be created. All other requisite HRM lot standards are met with this application.

Department Review

This project has gone through an interdepartmental review. No additional issues have been raised.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record. No specific input has been received by the time of this report.

Alternatives

- The City Council may approve the final plat of the Holm subdivision with the conditions stated, or modify the conditions, or
- The City Council may deny the final plat of the Holm subdivision and direct staff to prepare findings supporting this recommendation, or
- The City Council may continue the discussion to a later date.

Recommendation

The Planning Staff requests that the City Council open the public hearing on the Final Plat of the Holm subdivision located at 1326 Park Avenue, take any input and discuss as necessary. The staff has provided Findings of Fact, Conclusions of Law and Conditions of Approval for the City Council's consideration as found in the Ordinance.

Ordinance No. 05-

AN ORDINANCE APPROVING THE HOLM SUBDIVISION PLAT LOCATED AT 1326 PARK AVE, PARK CITY, UTAH.

WHEREAS, the owners of the property known as 1326 Park Avenue have petitioned the City Council for approval of the Holm subdivision plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on June 22, 2005, to receive input on the Holm subdivision plat;

WHEREAS, the Planning Commission, on June 22, 2005, forwarded a positive recommendation to the City Council; and,

WHEREAS, on July 7, 2005 the City Council approved the Holm subdivision plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Holm subdivision plat.

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

SECTION 1. APPROVAL. The Holm subdivision plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

10. The property is located in the HRM zone.
11. The HRM zone is a residential zone characterized by a mix of low density and high density contemporary residences and historic homes.
12. The Plat Amendment will combine a metes and bounds parcel of Block 24, Snyder's Addition to the Park City Survey, and create one lot of record, Lot 1, to be called the Holm Subdivision.
13. The proposed lot would consist of 2,675 square feet.
14. The lot has 37 feet of frontage on Park Avenue.
15. The existing house on site is historic.
16. No remnant lots will be created as a result of this application.
17. The Planning Director has determined that sufficient documentation exists to indicate the BOA approved a variance for the current lot size on March 10, 1977. No additional BOA action regarding the lot size is necessary at this time.

18. The Planning Commission forwarded a positive recommendation to Council on June 22, 2005.

Conclusions of Law:

4. There is good cause for this plat amendment.
5. Neither the public nor any person will be materially injured by the proposed plat amendment.
6. As conditioned the plat amendment is consistent with the Park City General Plan.

Conditions of Approval:

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
3. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.

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

PASSED AND ADOPTED this 7th day of July, 2005.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Exhibit A: Proposed Final Plat (Holm subdivision plat)

Holm Subdivision
An Amendment to Block 21,
Sugden's Addition to the Park City Survey

Surveyed by [Name]	APPROVED BY [Name]	PLANNING COMMISSION [Name]	CITY CLERK [Name]	WITNESSED BY [Name]	DATE OF RECORDING [Date]	FILED [Name]
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RECEIVED

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PLANNING DEPT

City Council Staff Report



Author: Brooks T. Robinson
Subject: Land Management Code Amendments
relating to the Sensitive Area
Regulations- Slope Protection
Section 15-2.21-4 (A)
Date: July 7, 2005
Type of Item: Legislative

**PLANNING
DEPARTMENT**

Summary Recommendations:

Staff recommends the City Council open the public hearing and consider adopting an ordinance amending Section 15-2.21-4 (A) to provide criteria reductions to setbacks from very steep slopes within the Sensitive Lands Overlay.

Background:

The following is the current language of the Land Management Code:

15-2.21-4. SENSITIVE AREA REGULATIONS - SLOPE PROTECTION.

The following Slope protection provisions apply in the Sensitive Area Overlay Zone:

(A) **PROHIBITIONS.** No Development is allowed on or within fifty vertical feet (50') in elevation of Very Steep Slopes, Areas subject to landsliding, and other high-hazard geological Areas.

Definitions:

15-15-1.71. **Development.** The act, process or result of erecting, placing, constructing, remodeling, converting, altering, relocating, or Demolishing any Structure or improvement to Property including Grading, clearing, Grubbing, mining, excavating or filling of such Property. Includes Construction Activity.

15-15-1.56. **Construction Activity.** All Grading, excavation, construction, Grubbing, mining, or other Development Activity which disturbs or changes the natural vegetation, Grade, or any existing Structure, or the act of adding an addition to an existing Structure, or the erection of a new principal or Accessory Structure on a Lot or Property.

During discussions and public hearings on the Master Planned Development application for the Lookout at Deer Valley, the Planning Commission sought additional flexibility in applying the Steep Slope setback criteria versus allowing a hardship for denial "of all reasonable use". In addition, the "vertical" language was confusing.

On June 8 and 22, 2005, the Planning Commission held public hearings and proposes the following language as shown below (new language underlined, ~~strike through~~ is

language to be deleted):

15-2.21-4(A) **Prohibitions.** No Development is allowed on or within fifty vertical feet (50') (map distance) of Very Steep Slopes, Areas subject to landsliding, and other high-hazard geologic Areas. As used herein, an Area of Very Steep Slopes must cover a topographic Area at least twenty-five feet (25') vertically (upslope or downslope) and fifty feet (50') horizontally in any direction to be subject to this prohibition.

The Planning Commission may vary the setback from Very Steep Slopes if the Planning Commission can make all of the following findings during the Suitability Review:

- 1) Varying the setback does not create an intrusion by buildings into the Ridgeline Area when viewed from LMC designated Vantage Points (15-2.21-3(A) (4)) or other Vantage Points designated by the Planning Staff or Commission (15-2.21-3 (B));
- 2) Building areas in the setback do not create excessive cut or fill slopes; minimal retaining walls to limit disturbance and meet grade may be required by the Planning Commission subject to sections 15-2.21-4 (B), (C), and (E).
- 3) Limits of Disturbance around any structure within the setback shall be limited to the minimal area necessary to excavate and backfill the foundation. Decks and patios may not extend more than fifteen feet (15') beyond the foundation walls or the minimal excavation/backfill area, whichever is greater.
- 4) No additional erosion, land subsidence, or avalanche hazard is created;
- 5) The site plan results in an improved organization of units through vegetation avoidance, minimization of changes to the viewshed from public areas, and reduction of site disturbance; and
- 6) The reduction in setback results in a reduction in overall project density as established by the Planning Commission's Suitability Review.
- 7) In no case shall additional disturbance be allowed beyond the maximum determined in the Suitability Analysis. See definition of Development.

Analysis:

The proposed language is a result of recent Planning Commission discussions relating to the fifty vertical feet setback from Very Steep Slopes as currently written. The original Sensitive Lands ordinance did not have "vertical" and this change when adopted into the Land Management Code has caused some confusion on the part of staff, applicants, and the Planning Commission.

While agreeing that Development (see Definitions above) must be kept off the Very Steep Slopes, the Commission has expressed a desire to allow variances in the setback if such a variance would result in a better site plan. It is also desirable to better define areas of Very Steep Slopes. For example, a small rock outcrop or depression may be defined as a Very Steep Slope that would create a setback around it. Therefore, the area definition of 25' vertical and 50' horizontal intends to smooth out this type of topographic anomaly.

The criteria above are intended to provide guidance to the Planning Commission, staff and applicants during the SLO Suitability Review.

Recommendation

Staff recommends the City Council open the public hearing and consider adopting an ordinance amending Section 15-2.21-4 (A) to provide criteria reductions to setbacks from very steep slopes within the Sensitive Lands Overlay.

Attachments

Draft Ordinance

AN ORDINANCE AMENDING SECTION 15-2.21-4(A) OF THE LAND MANAGEMENT CODE RELATING TO THE SENSITIVE AREA REGULATIONS-SLOPE PROTECTION

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents of Park City; and

WHEREAS, it is in the best interest of the community to periodically amend the Land Management Code to reflect the goals and objectives of the City Council and to align the Code with the Park City General Plan; and

WHEREAS, the City Council finds that the proposed change to the Land Management Code is necessary to provide criteria for reductions to setbacks from Very Steep Slopes within the Sensitive Lands Overlay;

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

SECTION 1. AMENDMENT TO TITLE 15- Land Management Code, 2.21-4(A) – SENSITIVE AREA REGULATIONS-SLOPE PROTECTION

15-2.21-4(A) **Prohibitions.** No Development is allowed on or within fifty feet (50') (map distance) of Very Steep Slopes, Areas subject to landsliding, and other high-hazard geologic Areas. As used herein, an Area of Very Steep Slopes must cover a topographic Area at least twenty-five feet (25') vertically (upslope or downslope) and fifty feet (50') horizontally in any direction to be subject to this prohibition.

The Planning Commission may vary the setback from Very Steep Slopes if the Planning Commission can make all of the following findings during the Suitability Review:

1. Varying the setback does not create an intrusion by buildings into the Ridgeline Area when viewed from LMC designated Vantage Points (15-2.21-3(A) (4)) or other Vantage Points designated by the Planning Staff or Commission (15-2.21-3 (B));
2. Building areas in the setback do not create excessive cut or fill slopes; minimal retaining walls to limit disturbance and meet grade may be required by the Planning Commission subject to sections 15-2.21-4 (B), (C), and (E).
3. Limits of Disturbance around any structure within the setback shall be limited to the minimal area necessary to excavate and backfill the foundation. Decks and patios may not extend more than fifteen feet (15') beyond the foundation walls or the minimal excavation/backfill area, whichever is greater.

4. No additional erosion, land subsidence, or avalanche hazard is created;
5. The site plan results in an improved organization of units through vegetation avoidance, minimization of changes to the viewshed from public areas, and reduction of site disturbance; and
6. The reduction in setback results in a reduction in overall project density as established by the Planning Commission's Suitability Review.
7. In no case shall additional disturbance be allowed beyond the maximum determined in the Suitability Analysis. See definition of Development.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

AN ORDINANCE AMENDING SECTION 15-2.21-4(A) OF THE LAND MANAGEMENT CODE RELATING TO THE SENSITIVE AREA REGULATIONS-SLOPE PROTECTION

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents of Park City; and

WHEREAS, it is in the best interest of the community to periodically amend the Land Management Code to reflect the goals and objectives of the City Council and to align the Code with the Park City General Plan; and

WHEREAS, the City Council finds that the proposed change to the Land Management Code is necessary to provide criteria for reductions to setbacks from Very Steep Slopes within the Sensitive Lands Overlay;

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

**SECTION 1. AMENDMENT TO TITLE 15- Land Management Code,
2.21-4(A) – SENSITIVE AREA REGULATIONS-SLOPE PROTECTION**

15-2.21-4(A) **Prohibitions.** No Development is allowed on or within fifty feet (50') (map distance) of Very Steep Slopes, Areas subject to landsliding, and other high-hazard geologic Areas. As used herein, an Area of Very Steep Slopes must cover a topographic Area at least twenty-five feet (25') vertically (upslope or downslope) and fifty feet (50') horizontally in any direction to be subject to this prohibition.

The Planning Commission may vary the setback from Very Steep Slopes if the Planning Commission can make all of the following findings during the Suitability Review:

1. Varying the setback does not create an intrusion by buildings into the Ridgeline Area when viewed from LMC designated Vantage Points (15-2.21-3(A) (4)) or other Vantage Points designated by the Planning Staff or Commission (15-2.21-3 (B));
2. Building areas in the setback do not create excessive cut or fill slopes; minimal retaining walls to limit disturbance and meet grade may be required by the Planning Commission subject to sections 15-2.21-4 (B), (C), and (E).
3. Limits of Disturbance around any structure within the setback shall be limited to the minimal area necessary to excavate and backfill the foundation. Decks and patios may not extend more than fifteen feet (15') beyond the foundation walls or the minimal excavation/backfill area, whichever is greater.

4. No additional erosion, land subsidence, or avalanche hazard is created;
5. The site plan results in an improved organization of units through vegetation avoidance, minimization of changes to the viewshed from public areas, and reduction of site disturbance; and
6. The reduction in setback results in a reduction in overall project density as established by the Planning Commission's Suitability Review.
7. In no case shall additional disturbance be allowed beyond the maximum determined in the Suitability Analysis. See definition of Development.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

City Council Staff Report

Special Events and
Facilities Department

Author: Alison Butz
Subject: Sound Garden Opening Celebration
Date: July 7, 2005
Type of Item: Administrative – Master Festival License

Summary Recommendations:

Review the Master Festival License application, conduct a public hearing, and approve the license for the Sound Garden Opening Celebration.

Description:

Topic:

Review the Master Festival License Application, submitted by the Park City Summit County Arts Council and Utah Music Festival, for the Sound Garden Opening Celebration at City Park on August 15, 2005.

Background:

The Park City Summit County Arts Council and Utah Music Festival submitted an application requesting a Master Festival License to hold an opening celebration for the unveiling of the Sound Garden at City Park. The event would run from 6:00pm-9:00pm on Monday, August 15, 2005. The event is one that will promote community support for art and celebrate the opening of the Sound Garden. The Sound Garden is the second project initiated by the Public Art Advisory Board and is located in City Park, south of the Skate park. The event will include the demonstration of the instruments in the Sound Garden, a musical performance, discussion from Frank Youngman on the concept, process and instruments, and dedication of the Brian Hess Memorial Sound Garden.

The Sound Garden Opening Celebration is consistent with the City Council's Goal #2 which is to preserve Park City's character and Council's Goal #4 to continue to promote Park City as multi-seasonal resort by maintaining its status as a World Class Resort which supports the arts and events.

Analysis:

The event organizers have requested to hold their event on August 15, 2005. The event would begin at 6:00pm at the park with a band performing live music and food.

This application is being reviewed as a Master Festival License due to its location on City property and the request for a variance from the noise ordinance.

City Park Activities

A performance with percussion and woodwind instruments will kick-off the evening activities which also include a discussion on the concept and process of the Sound Garden. The selected speakers will address the crowd in the bandshell located in the south end of City Park. The activities in City Park will begin at 6:00pm and will conclude by 9:00pm. No other activities are planned for City Park on August 15, 2005.

Parking

Parking for the anticipated crowd size can be accommodated within City Park and on Park Avenue.

Department Review:

All applicable departments have reviewed the Sound Garden Opening Celebration and their comments have been incorporated into the report.

Alternatives:

Approve the Request:

Approve the Master Festival License allowing the Sound Garden Opening Celebration to occur as described.

Deny the Request:

Deny the Master Festival License, preventing the addition of the Sound Garden Opening Ceremony to Park City's schedule of events.

Continue the Item:

The City Council may continue the discussion in order to receive additional information

Significant Impacts:

City Park has held many similar events to the Sound Garden Opening Ceremony. The activities will be contained within the venue and will conclude by 9:00pm.

Consequences of not taking the recommended action:

The Sound Garden Opening Ceremony would not take place.

RECOMMENDATION:

Staff recommends that the City Council conduct a public hearing and approve a Master Festival for the Sound Garden Opening Ceremony on August 15, 2005 based on the following Findings of Fact, Conclusions of Law and Conditions of Approval.

Findings of Fact:

1. The Sound Garden Opening Ceremony will be held Monday, August 15, 2005. The event will last from 6:00pm to 9:00pm and will occur in City Park.
2. Parking for the anticipated crowd of 250 people can be accommodated with the existing parking in and around City Park. The conduct of the Sound Garden Opening Ceremony will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its venue.
3. The event is oriented towards families and youth. The events associated with the Public Art Advisory Board's Sound Garden and will not require the diversion of so

great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.

4. The event will be held in City Park. The concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.
5. No other Master Festival and Special Event License has been issued for August 15, 2005.
6. The organizer will provide adequate insurance for the event.
7. The size of the crowd and nature of the event will not create an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
8. The applicant has been working with City Staff and applicable departments to address all event concerns. The Applicant demonstrates an ability and willingness to conduct the event pursuant to the terms and conditions of this Chapter and has not failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.

Conclusions of Law:

1. The application is consistent with the requirements of the Park City Municipal Code, Title 4, Chapter 8.

Conditions of Approval:

The applicant, at its' cost, shall incorporate such measures as directed by Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the applicant.

The applicant shall provide to the Special Events Manager proof of liability insurance as may be required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as an additional insured if necessary.

Attachments

Exhibit A – Applicant's Summary of Activities

EXHIBIT A
SOUND GARDEN OPENING CELEBRATION

Monday, August 15, 2005

6:00 to 9:00 p.m. (Park booked from 3:00 to 10:00 pm)

Hosted by: Park City Summit County Arts Council

Event contact: Kathy Hunter, 647-9747 (w) 801-244-9550 (cell)

Event will include:

- Food and beverage from the pavilion (either prepackaged picnic-type foods, or hamburgers and hot dog-type foods on the grill)
- Frank Youngman will speak from the Gazebo about the sound garden concept, process, instruments, etc.
- Demonstrate one of the instruments in the Sound Garden
- Percussion and woodwinds musicians perform on the Gazebo
- Percussion procession from the Gazebo area to the Sound Garden, using the bike path between the two
- A few remarks at the Sound Garden; dedication of the Brian Hess Memorial Sound Garden
- Time for guests to visit the Garden and try out the instruments

City Council Staff Report

Author: Gary Hill
Subject: TRANSIT CENTER LAND MATCH
Date: July 7, 2005
Type of Item: Legislative



Budget, Debt, and Grants

Summary Recommendation: Adopt a resolution confirming the donation of the Transit Center parcel as the City's match to the Federal Transit Administration (FTA) grant for the construction of the Transit Center and Roundabout.

Topic:
Transit Center Land Match Resolution

Background:

In 1999 the City received a grant award from the Federal Transit Administration (FTA) for the construction of the Transit Center and Roundabout. The award was a 80/20 matching grant in which Park City would provide 20% of the funding and the FTA would provide 80%.

FTA regulations allow a grant recipient to pledge or "donate" the value of the land upon which the capital project is sited as the recipient match. In June 1999, the City had the proposed construction site appraised by a Utah Certified General Appraiser. The 2.56 acre Transit Center site was valued at \$7,100,000.

On February 2nd, 2005 City staff closed out the Transit Center grant. At that time, the FTA instructed City staff to place a record of the parcel to be donated along with its value in City records. The attached resolution formalizes the land match that was contemplated when the grant was closed pending land donation on February 2nd, 2005.

Analysis:

Last fall the City contracted with Evergreen Engineering to identify an approximately 1 acre parcel of the Transit Center site that could be used as the land match. The resolution includes a legal description of this parcel in addition to its size and value.

- **Size:** 1.1 acres
- **Value** (based on 1999 appraisal): \$3,050,781
- **Location:** Transit building footprint, transit road, retaining walls and hillsides

Although the land is being pledged as the City's match, the City retains ownership of the parcel, which must remain used for transit purposes per the grant agreement.

Department Review:

Budget, Debt, and Grants; City Manager

Alternatives:

A. Approve the Request:

City Council should adopt the resolution confirming the donation of the Transit Center parcel as the City's match to the FTA grant for the construction of the Transit Center and Roundabout.

B. Continue the Item:

Council could deny the request and direct staff to return with a different resolution.

C. Do Nothing:

This would be the same as denying the request.

Significant Impacts:

Under the terms of the City's agreement with the FTA, the Transit Center parcel is to be used for transit and transit-related purposes. The use is a requirement of FTA funding and would be the same whether or not the City used the Transit Center for the grant match. Using the land as the City's match does not create additional stipulations not already required by the grant.

Consequences of not taking the recommended action:

The Transit Center and Roundabout were constructed primarily using federal funds. If the City decided not to use the value of the Transit Center parcel as matching funding, the City would be in conflict with the terms of the grant agreement with the FTA.

Recommendation:

City Council should adopt the resolution confirming the donation of the Transit Center parcel as the City's match to the FTA grant for the construction of the Transit Center and Roundabout.

Resolution No.

A RESOLUTION CONFIRMING THE DONATION OF 1.1 ACRES OF LAND TOWARD THE CITY'S MATCH TO THE FEDERAL TRANSIT ADMINISTRATION (FTA) GRANT FOR THE CONSTRUCTION OF THE TRANSIT CENTER AND ROUNDABOUT.

WHEREAS Park City (City) received a grant award in 1999 from the Federal Transit Administration (FTA) for the construction of the City's Transit Center and Roundabout: and;

WHEREAS the award was a 80/20 matching grant in which the FTA would provide 80% of the funding and Park City would provide 20%: and;

WHEREAS the terms of the agreement allow the City to use or "donate" the value of the land upon which the project is located as the City's match: and;

WHEREAS the site was appraised in 1999 by a Utah Certified Appraiser at a value of \$7,100,000: and;

WHEREAS 1.1 acres of the Transit Center Parcel is valued at \$3,050,781:

NOW THEREFORE BE IT RESOLVED by the City Council of Park City, Utah that:

SECTION 1. DONATION OF LAND. A 1.1 acre parcel of the Transit Center Site as outlined in the attachments to this Resolution is donated as the City's match to the FTA grant for the Transit Center and Roundabout.

SECTION 2. VALUE OF LAND. The parcel described in this resolution and is valued at \$3,050,781.

SECTION 3. EFFECTIVE DATE. This Resolution shall take effect June 9, 2005 for the Revised Fiscal Year 2005 Operating Budget and July 1, 2005 for the Fiscal Year 2006 budget.

PASSED AND ADOPTED this 7th day of July, 2005.

Park City Transit Center Federal Parcel
Park City Municipal Corporation

A parcel located in the southeast quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian, Park City, Summit County, Utah, and also located in the Amended Park City Townsite Plat, according to the official plat on file and of record in the Summit County Records Office, also residing within the Marsac Transit Center Plat, prepared by Alliance Engineering, on file and of record in the Summit County Records Office, more particularly described as follows;

Beginning at a point located South $89^{\circ}58'40''$ East along the center section line of said Section 16 a distance of 249.52 feet and South a distance of 329.65 feet from the southwest corner of the southeast quarter of the northeast quarter of said Section 16, said point being the true point of beginning; Thence leaving said easterly right-of-way line North $89^{\circ}21'50''$ East a distance of 45.73 feet; Thence North $71^{\circ}50'38''$ East a distance of 130.36 feet; thence South $23^{\circ}38'00''$ East a distance of 172.08 feet; Thence South $66^{\circ}22'00''$ West a distance 42.13 feet; Thence South $23^{\circ}38'00''$ East a distance of 18.77 feet; Thence South $66^{\circ}22'00''$ West a distance 16.67 feet; Thence South $23^{\circ}38'00''$ East a distance of 98.41 feet; Thence South $39^{\circ}15'03''$ West a distance of 24.92 feet; Thence South $66^{\circ}22'00''$ West a distance 29.92 feet; Thence North $23^{\circ}38'00''$ West a distance of 25.00 feet; Thence South $66^{\circ}22'00''$ West a distance 87.95 feet; Thence North $23^{\circ}17'04''$ West a distance of 34.59 feet; Thence North $66^{\circ}43'00''$ East a distance of 48.16 feet; Thence North $23^{\circ}17'00''$ West a distance of 72.68 feet; Thence South $66^{\circ}43'00''$ West a distance of 48.17 feet; Thence North $23^{\circ}17'04''$ West a distance of 73.28 feet to a point on a 326.00 foot radius curve to the right; Thence along the arc of said curve a distance of 128.86 feet, through a central angle of $22^{\circ}38'50''$ to the point of beginning.

Contains 47,916.12 sq. ft.(1.10 acres), more or less.

