PARK CITY 1884

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JUNE 24, 1999

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, June 24, 1999.

AGENDA

Work Session - City Council Chambers - Lower Level

4:00 p.m.	Council questions and comments
4:20 p.m.	Update on restaurant tax grants
4:30 p.m.	Olympic budget, policies and other issues
	Review of regular meeting
4:50 p.m.	Meeting questions/comments
5:00 p.m.	Flagstaff annexation

Regular Meeting - City Council Chambers - Lower Level

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF MAY 27, 1999

V PUBLIC HEARINGS

1. Ordinance approving an amendment to the Record of Survey for The Knoll at Silver Lake Phase 1, Park City, Utah

2. Ordinance approving the Leclerc Subdivision to combine portions of several platted lots, and portions of the vacated Anchor Avenue and Seventh Street in Block 74, of the Park City Survey, into one platted lot located at 33 King Road, Park City, Utah

VI CONSENT AGENDA

1. Ordinance approving an amendment to the Record of Survey for The Knoll at Silver Lake Phase 1, Park City, Utah

2. Ordinance approving the Leclerc Subdivision to combine portions of several platted lots, and portions of the vacated Anchor Avenue and Seventh Street in Block 74, of the Park City Survey, into one platted lot located at 33 King Road, Park City, Utah

3. Resolution authorizing the issuance and sale of up to $4,500,000 aggregate principal amount of general obligation bonds of Park City, Summit County, Utah for the purpose of acquiring and forever preserving undeveloped park and recreational land and amenities; fixing the maximum aggregate principal amount of the bonds, the maximum number of years over which the bonds may mature, the maximum interest rate that the bonds may bear and the maximum discount from par at which the bonds may be sold; providing for the publication of a notice of bonds to be issued; providing for the running of a contest period; and providing for related matters

4. Approval of construction contract for pressure reducing valve box at Bonanza Drive and Iron Horse Drive to Counterpoint Construction not to exceed $37,000

VII OLD BUSINESS

Flagstaff annexation - United Park City Mines Company

(a) Public input

(b) Ordinance annexing approximately 1,750 acres adjacent to the Park City corporate limits known as the Flagstaff Development and amending the Official Zoning Map of Park City, Utah

(c) Resolution approving a development agreement for the Flagstaff Development with United Park City Mines Company

VIII ADJOURNMENT

Posted: 6/21/99
See parkcity2002.org

PARK CITY
1884

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JUNE 24, 1999

Present: **Mayor Brad Olch; Council members Hugh Daniels; Roger Harlan; Shauna Kerr; and Paul Sincock**

Toby Ross, City Manager; Jodi Hoffman, City Attorney; Frank Bell, Olympic Planning Director; Tom Bakaly, Director of Capital Projects and Budget; Bob Johnston, Leisure Services Director; Nora Shepard, Special Projects Manager

Absent: **Council member Chuck Klingenstein**

1. **Council questions and comments.** Because of the construction activity of the golf course hotel, Paul Sincock pointed out the difficulty in buses negotiating Thaynes Canyon Drive. Parking has become a real problem as cars are parked on both sides of the street. The City Manager felt that the peak of the problems is during the youth programs. The City must allow parking on one side as there isn't any other parking. Mr. Sincock continued that it would be a good idea to have a changeable nameplate in the buses identifying the drivers. Hugh Daniels announced that he attended the State Olympic Coordination Committee meeting and has a report available for distribution. There was discussion about participation in the 4th of July parade.

Ms. Kerr stated that she received a call from Dave Sabey, attorney for John Price Development Company, who is contacting cities about filing an amicus brief to expedite a determination in the Supreme Court. This decision deals with using taxpayers' dollars for rebates to entice certain businesses to stay or locate in certain communities, and explained the situation with Orem City and Nordstroms. She emphasized that the City's interest is not the merit of the case, but to hasten a decision. The City Attorney indicated she would follow-up. Ms. Kerr thanked those involved in the City's golf tournament last week to raise money for a fellow employee.

2. **Update on restaurant tax grants.** Hugh Daniels stated that he is serving as Chairman and has represented the Lodging Association since 1992. In 1991, the state legislature designed the statute for the reconstruction of the Salt Palace allowing counties to impose up to 1/10th of 1% on prepared foods to be used for the development of tourism, recreation, and convention facilities. Those funds can be used to finance tourism promotion and development, operations, and maintenance of tourist, recreation, cultural, and convention facilities and are narrowly defined. The Summit County Commissioners are responsible for approving the ultimate expenditure of those funds.

The first grants occurred in 1993 in Summit County, and to date approximately $2.5 million worth of projects both in facilities and in promotion have been funded. Through 1998,

$330,000 have been allocated to cultural arts and promotion; $430,000 to cultural arts and history facilities for a total of $760,000. Recreation promotion amounts to $5,000; recreation facilities $278,500; and recreation trails $400,000, for a total of $683,500. Tourism promotion involves about $564,000 with $623,000 into tourism related facilities for a total of $1.147 million for a grand total of $2,590,500. Mr. Daniels felt that this tax has assisted the community in our tourism, recreation and cultural promotion. The County Commission takes 10% off the top before the committee starts working with the funds which are equivalent to roughly $8.5 million in gross sales. In response to Council questions, Mr. Daniels indicated that the 10% must meet the statute and to his knowledge, the taxpayers have never received a reporting on how these dollars are spent.

This year there were 38 applications for a combined request of over $2 million. The committee met from February through June; there are applicant presentations and interviews, and then a recommendation is made to the County Commission. The committee follows up with the County Auditor to make sure that the grant funds are used correctly. Applications are also sent to the County Attorney who decides if they meet the state statute and this year six were determined ineligible. Mr. Daniels explained that a matrix is used to rank applications based on specific criteria. This year there were $2 million in requests with $1 million available and much of the funding is used for seed money. The committee recommended funding 23 applications for a total of $872,750. The Commissioners approved 19 of the recommendations, decreasing one, funding three that had not been recommended, and increasing a couple of others. There are six that are still pending before the Commission which include the City's cross-country groomer. The Motorcycle Club was recommended to be funded at $50,000 which was reduced to $10,000. The Performing Arts Foundation was increased from $15,000 to $30,000. The Summit County and Park City Historical Society was increased from $35,000 to $45,000. The Summit County Olympic Coordinator was increased from $55,000 to $80,000. The Park City Professional Artists was unfunded and funded at $2,000. The Park City Chamber Music was unfunded to funded at $15,000 and the Utah Music Festival from unfunded to $5,000. Mr. Daniels added that the County Commissioners will follow-up with the Restaurant Association, the Park City Ambassadors, the City, the Performing Arts Foundation, Film Series, and the Historic Main Street Business Alliance.

Mr. Daniels pointed out that this process is different than in the past, where the Commissioners generally accepted the recommendations. He stated that he will not be Chair next year and entertained questions from Council. Paul Sincock asked for clarification on the funding for the Olympic Coordinator. Mr. Daniels explained that the Olympic Coordinator application received an opinion from the Summit County Deputy Attorney that it could be totally funded by restaurant tax money. The committee respectfully disagrees and did not feel that the position is totally promotional and that other Attorney General rulings on the use of this tax states that it must be tied to direct promotion. The committee then deciphered that part of it could be considered promotion in the job description and the consensus was 20% funding for three years, totaling $55,000; $88,000 was initially requested. It was uncertain if $80,000 would be granted for three consecutive years. The Park City Chamber Music, the Utah Music Festival and the Park City Professional Artists were the three applications out of eight not recommended for funding by the committee. There were eight applications that were disqualified early in the process by the County Attorney. Mr. Sincock questioned the Olympic Coordinator position and felt it is operational and not promotional. If the County Commissioners believe those monies can be used for that, the City would be remiss in not requesting funding for the same position although he doesn't know if that would be legal. The City Attorney suggested that she draft a request for a legal opinion to the Attorney General's Office for the Mayor's signature. Mr. Sincock feared that this may cause a reaction from the School District and other entities to do the same thing, interfering with the intent of the funding. Ms. Kerr understood the reasoning, but pointed out that the City has worked very hard to build relationships with Summit County and was reluctant to promote a conflict and Mr. Daniels added that it is the intention of the committee to meet with the County Commission. Paul Sincock stated that he shares Ms. Kerr's concerns, but has received calls about funding our Olympic Coordinator. Ms. Kerr expressed concern that Park City may be misunderstood as disgruntled about the motorcycle race funding and interference may affect intergovernmental relations. Mr. Daniels continued that the committee requested that the County ask for an opinion from the Attorney General, but to date, the Commission has chosen not to do that. Ms. Hoffman advised that if the City asks for an opinion which rules that it is illegal, it would preclude the City' application for those funds. Ms. Kerr added that it would also preclude the use of the funds by the County and ultimately that cost is passed along to the taxpayers. The City Manager stated that it may be unnecessarily provocative to request an Attorney General's opinion as there is no risk in the City from applying next year. There was a request from Paul Sincock for a City Attorney's opinion, but the Mayor indicated his preference for the restaurant tax committee to dialog with the County Commissioners about its request. Ms. Kerr emphasized that the advantage of having the Summit County Olympic Coordinator funded with a grant is that it is mainly paid for by tourists as opposed to taxpayers. Jodi Hoffman stated that it takes years to get an opinion from the Attorney General.

3. Olympic budget, policies and other issues. Frank Bell stated that the budget was presented last week, but the policies weren't discussed. Tom Bakaly explained that the emergency and stabilization fund amounts to about $1 million, 10% of the budget. This is tied to the City's existing operating budget policies and the recession plan. If there is an emergency, the City Manager is empowered to approve an emergency expenditure associated with the Games. A contract exceeding $20,000 requires Council action. With regard to the rental of City property, the merits of each proposal, the cost of the City to vacate the property, and the impact to City services will be evaluated on a case-by-case basis. Most vacation requests from employees will not be honored during the Games. Ms. Kerr asked if employees know about this policy. Tom Bakaly responded that the policies have been distributed to department heads and not publicized to all of the staff. Frank Bell added that it is not unusual for departments to maintain leave policies for critical times of the year which may fluctuate. The intent is to not lose employees to other Olympic endeavors and it is desirable to retain employees prior, during and after the Olympics. The budget doesn't anticipate hiring anyone except temporary people and interns and there will be plenty of work for employees. Ms. Kerr suggested that new hires be informed about the commitment to the Olympics. Mr. Sincock asked if employees are tracking time spent on the Olympics; Mr. Bakaly felt that people have been more diligent in tracking their time.

4. Skateboard facility. Bob Johnston informed the Council that the Parks and Recreation Board would like to have something open by August by the Snug Building. This will require some paving and overlay work and staff is investigating a vendor and will have budget estimates soon. Tom Bakaly added that the demolition of the buildings is key if Council decides to proceed with the project which is scheduled for Council action on July 15. Shauna Kerr emphasized that the Council would have to render approval before it goes through the Planning Commission process which is presumptuous. Tom Bakaly explained that the CUP hearing is on July 14 and staff is requesting the purchase of skateboard equipment that could be used in the future. In response to a question from Shauna Kerr, Bob Johnston explained that the equipment probably would met the ultimate specs as equipment can be added to and changed around and staff feels it can be used in the future. The overlay work was discussed and Mr. Johnston stated that there may be a fence on the Park Avenue side. The Mayor suggested that the Fire Department be contacted regarding conducting fire suppression practice on the buildings, before demolishing them. In response to a question from Hugh Daniels regarding youth grants, Mr. Bakaly indicated that there is approximately $7,000 which will be carried forward into the next fiscal year for a skateboard park. Roger Harlan explained the support of the Board. Paul Sincock asked why this project has been delayed until now. Mr. Harlan explained that the Board was unsure about the availability of the Resort's facility. The School Board was approached but it was reluctant to accommodate skateboarding because of risk management concerns. Mr. Sincock stated that this has been a topic for a long time and felt that it needs to move along, but agreed with Ms. Kerr's concerns. There was discussion about using some of the Resort's equipment. Tom Bakaly noted that this will come back to Council next week.

5. Review of regular meeting.

Flagstaff annexation. Nora Shepard described the clean and red-lined drafts distributed to Council. The red-lined version attempts to incorporate everyone's comments over the last few weeks. In addition, the Council and the public received copies of the exhibits. The Council is being asked to approve an ordinance which annexes Flagstaff and amends the zoning map to include the area, and a resolution which adopts the development agreement. Annexation will not officially occur until an annexation plat is recorded which must occur within 30 days of approval according to state law. She explained the process tonight which will include public input; there will be an opportunity for questions, and action is anticipated by the City Council. The changes are the results of a lot of discussion between the City, United Park City Mines, DMB who is UPCM's partner; and members of the public. In response to a question from Hugh Daniels, Ms. Hoffman explained that it is the inclination of staff to calculate unit equivalents to a more proportional number so that it is less restrictive to the developer. In response to a question from Paul Sincock, Eric DeHaan explained that Exhibit M dealing with roads is reasonably accurate. Nora Shepard added that approval tonight is conceptual and the language indicates the agreement of the developer to perform, but if through the Planning Commission process, some of the improvements are deemed unnecessary, there is flexibility to eliminate or change them. Hugh Daniels expressed concern that the exhibits are clear so there isn't confusion in the future. Roger Harlan suggested limiting the size of the ski lodge to 7,000 square feet. Ms. Kerr asked if it is for visual reasons or to limit occupancy because of access or parking issues. Ms. Shepard explained that the agreement provides that there be no vehicular traffic or parking as it is a ski-in/ski-out facility. It is the thought to leave it at the Planning Commission's discretion to decide where it is ultimately constructed and to perform a visual analysis once there is more information. The Council may determine a maximum square footage, but it has been her experience that the result becomes that number. Hugh Daniels stated that 7,000 square feet has been discussed. He is not interested in the Planning Commission deciding on increased square footage and agreed it should be "not exceeding 7,000 square feet". There was Council consensus.

Jodi Hoffman disclosed that Bob Wells from Deer Valley submitted technical corrections, which can be taken care of at a staff level. She suggested that the motion to approve would be "in substantially the same form". Paul Sincock brought up using the City's newly adopted affordable housing standards, rather than 20% of unit equivalents, and asked if there is any support to maintain the same guidelines; Council felt it should uphold the current negotiated terms.

See regular meeting minutes.

Prepared by Janet M. Scott

PARK CITY
1884

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JUNE 24, 1999

I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, June 24, 1999. Members in attendance were Brad Olch, Hugh Daniels, Roger Harlan, Shauna Kerr, and Paul Sincock. Chuck Klingenstein was excused. Staff present were Toby Ross, City Manager; Jodi Hoffman, City Attorney; Nora Shepard, Special Projects Manager; John Lind, Water and Streets Superintendent; Kirsten Whetstone, Planner; and Derek Satchell, Planner.

II PUBLIC INPUT

The Mayor invited the public to comment on any items not scheduled on the agenda. Hearing none, the public input session was closed.

III COMMUNICATIONS FROM COUNCIL AND STAFF

1. Round Valley golf course project - Nora Shepard reported that she attended the Snyderville Basin Planning Commission meeting on the Round Valley golf course proposal, and will continue to monitor this project. She spoke at that meeting and indicated that the Park City and Snyderville Basin Planning Commissions have appointed a subcommittee to assess the Round Valley/Quinns Junction land use issues. The City views this as an opportunity and unique opportunity, and suggested that the process "play out" and reviewing any specific development proposal was premature. She emphasized our interest regarding this project, because it is on the City's boundaries and the City is an adjacent property owner.

2. Safety and Excellence Award - John Lind announced that the City has been recognized by the Department of Labor for Safety and Excellence in the Public Sector. Park City was the only municipality in the state of Utah that was acknowledged. He presented the Mayor with an engraved clock memorializing this award.

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF MAY 27, 1999

Hearing no omissions or corrections, the Mayor requested a motion to approve. Roger Harlan, "I so move". Shauna Kerr seconded. Motion carried.

Hugh Daniels	Aye
Roger Harlan	Aye

Shauna Kerr	Aye
Chuck Klingenstein	Absent
Paul Sincock	Aye

V PUBLIC HEARINGS

1. Ordinance approving an amendment to the Record of Survey for The Knoll at Silver Lake Phase 1, Park City, Utah - Planner Kirsten Whetstone explained that the home owners association is requesting an amendment to convert 340 square feet of common space to private ownership to construct a two-story addition amounting to about 700 square feet to Unit 3. The addition and transfer of property has been voted on by the home owners association and individual consent has been granted. The Planning Commission held a public hearing on June 16, 1999 and voted to forward a positive recommendation to the City Council, as conditioned in the staff report. There was no public input at that hearing. With no comments or questions from the public or the City Council, the public hearing was closed.

2. Ordinance approving the Leclerc Subdivision to combine portions of several platted lots, and portions of the vacated Anchor Avenue and Seventh Street in Block 74, of the Park City Survey, into one platted lot located at 33 King Road, Park City, Utah - Derek Satchell, Planner explained that this is in the HR-1 residential district to combine portions of several platted lot and portions of vacated Anchor Avenue and 7th Street into one platted lot. There is an existing historic dwelling that straddles the interior lot line. The project was reviewed by staff and there are no outstanding issues identified. The Planning Commission conducted a public hearing and forwarded a positive recommendation to the City Council at its June 16, 1999 meeting. With no questions or comments from the public or the City Council, the public hearing was closed.

VI CONSENT AGENDA

Shauna Kerr, "I move approval of Consent Agenda Items 1 through 4". Hugh Daniels seconded. Motion carried.

Hugh Daniels	Aye
Roger Harlan	Aye
Shauna Kerr	Aye
Chuck Klingenstein	Absent
Paul Sincock	Aye

1. Ordinance approving an amendment to the Record of Survey for The Knoll at Silver Lake Phase 1, Park City, Utah - See staff report and public hearing.

2. Ordinance approving the Leclerc Subdivision to combine portions of several platted lots, and portions of the vacated Anchor Avenue and Seventh Street in Block 74, of the Park City Survey, into one platted lot located at 33 King Road, Park City, Utah - See staff report and public hearing.

3. Resolution authorizing the issuance and sale of up to $4,500,000 aggregate principal amount of general obligation bonds of Park City, Summit County, Utah for the purpose of acquiring and forever preserving undeveloped park and recreational land and amenities; fixing the maximum aggregate principal amount of the bonds, the maximum number of years over which the bonds may mature, the maximum interest rate that the bonds may bear and the maximum discount from par at which the bonds may be sold; providing for the publication of a notice of bonds to be issued; providing for the running of a contest period; and providing for related matters - See staff report.

4. Approval of construction contract for pressure reducing valve box at Bonanza Drive and Iron Horse Drive to Counterpoint Construction not to exceed $37,000 - See staff report.

VII OLD BUSINESS

Flagstaff annexation - United Park City Mines Company - Nora Shepard explained that the City Council is being asked to approve the annexation of Flagstaff Mountain and the development agreement. This is a culmination of over five years of discussion and there have been numerous meetings, negotiations, and public hearings. The draft development agreement includes input from the Planning Commission, the developer, City Council, staff, and has been a very public process. Public input has been considered in the formulation of this development agreement. She described this as the "ultimate public process" and believes that it is a better project because of community involvement. In many ways this is just the beginning, as the agreement outlines broad parameters and an annexation of Flagstaff into the City, but the Planning Commission will have site specific review. She continued that there are many studies and plans which have to be submitted before the site specific review occurs. In the past few weeks, the development agreement has been modified to address specific concerns of the Planning Commission, the public including CARG, the developer and the staff. After public input, the Council is being asked to take action on the ordinance which annexes and zones the Flagstaff development and a resolution which approves the development agreement. The annexation will not become official until an annexation plat is recorded.

(a) Public input - The Mayor invited public input.

Hank Rothwell, United Park City Mines, emphasized the enormous amount of time spent on this project and complimented the City staff and a public process that does work. He specifically thanked Nora Shepard, Jodi Hoffman, and Toby Ross.

Keith Kelly, White Pine Associates, addressed the 1,000 acres of open space on Iron Mountain, and hoped that there is an opportunity in the development agreement for ski lifts and ski runs in the second canyon that is not visible. This is an integrated ski system for The Canyons Resort. They are concerned that a prohibition of lifts or runs in the second canyon, would preclude some interesting possibilities and hoped there would be some flexibility. Hugh Daniels understood that it would be recreation open space with restrictions on lifts and runs. Jodi Hoffman stated that is accurate and this issue has been the product of negotiations between CARG and the mining company along with its partner DMB. The Iron Mountain parcel originally allowed ski lifts and run, although the City would have a conservation easement. At this point, based on those negotiations, runs and lifts would not be allowed. Back country skiing and hiking trails would not be prohibited.

Dana Williams, CARG, stated that after four and a half years, the project has changed considerably. He explained that this proposal will be taken to the CARG membership this weekend to decide whether or not there will be a referendum, but the changes have been significant. CARG will never "love" this project, however they appreciate staff working with them and feel the process works.

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

(b) Ordinance annexing approximately 1,750 acres adjacent to the Park City corporate limits known as the Flagstaff Development and amending the Official Zoning Map of Park City, Utah - Shauna Kerr, "I move to approve the Ordinance annexing approximately 1,750 acres into Park City". Roger Harlan seconded. Paul Sincock noted that this approval would include some of the small scale changes discussed and cleaning up the document and exhibits. Shauna Kerr clarified that this is approved "in substantially the same form".

Hugh Daniels stated that he has been involved in this project for the three and a half years as a Council member and prior to that as a candidate and citizen. Conclusion is a good thing for everyone involved and believes that the project belongs in the City limits, as development in the County with all of the impacts, loss of control and revenue, is inappropriate. The ultimate development agreement has been a tedious process, but it is a good agreement that meets the needs of the community as well of those of the developer. He continued that there have been many people involved in the process, and because of that, there is a better product. The City staff and Planning Commission have expended an unbelievable amount of time on Flagstaff and this is a product of their hard work. The Council's responsibility is to the community as a whole and the Council's constituency includes all groups. It is Council's job to reach a consensus and members have disagreed on many points of the agreement, but through negotiation in public, this is something that is agreeable to most members and hopefully to most of the community. He thanked everyone who has taken the time to become involved. Mr. Daniels believes this project is a responsible one which will provide significant benefits to the community, and it is his intention to support the motion.

Roger Harlan pointed out that a vote today brings closure to an application process which began in 1994 and staff and UPCM have spent countless hours to bring things to this point. He understands that the public has been riveted to this debate like no other issue in the last 25 years. It has produced two citizen groups, CARG and PCCLC, and Council has also been players in this drama of public policy and debate. Everyone would like this magnificent parcel to remain undeveloped and open forever, but UPCM has the right to develop its property by law, and the City doesn't have enough money to buy the property. A vote to approve would allow UPCM to develop a portion of the 1,750 acres and the citizens will receive some benefits from the annexation including open space, trails, employee housing, and a transfer fee paid to the City. Because of the annexation, property taxes will fall to the City over the years. Mr. Harlan reiterated his gratitude for the energy, thought, hard work, and patience that so many have given to the annexation application.

Shauna Kerr specifically thanked Ms. Shepard and felt that the City Attorney's and City Manager's time was well spent. She hoped the community will support the Council's action. The development is better today because of public participation and she is much more comfortable with the decision before Council now than she has been during the interim steps. Much thought has gone into this and Ms. Kerr expressed appreciation of DMB breathing new life into the negotiations and opening communications with Council and the public regarding changes in the agreement. Ms. Kerr encouraged everyone to remain involved.

Paul Sincock pointed out that consensus building is difficult to achieve. While not everyone is wildly enthusiastic, they're not saying no. He is impressed with the work of the staff and the community. Citizen groups have been formed and the process has been a tribute to the community, the developers UPCM and DMB, and the community groups.

Motion carried.

Hugh Daniels	Aye
Roger Harlan	Aye
Shauna Kerr	Aye
Chuck Klingenstein	Absent
Paul Sincock	Aye

(c) Resolution approving a development agreement for the Flagstaff Development with United Park City Mines Company - Hugh Daniels, "I move approval". Paul Sincock seconded. Motion carried. The Mayor extended his congratulations.

Hugh Daniels	Aye
Roger Harlan	Aye
Shauna Kerr	Aye
Chuck Klingenstein	Absent

Paul Sincock Aye

VIII 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

Janet M. Scott, City Recorder

PARK CITY 1884

CITY COUNCIL STAFF REPORT

DATE:	**June 17, 1999 (June 24, 1999 meeting)**
DEPARTMENT:	**Planning**
AUTHOR:	**Kirsten A. Whetstone, AICP**
TITLE:	**Amend Record of Survey for The Knoll at Silver Lake Phase I Condominiums (7905 Royal Street East)**

SUMMARY RECOMMENDATION: Conduct a public hearing, consider any public input, approve with conditions.

DESCRIPTION

A. Project Statistics

Owners:	Martin L. Edelman
Location:	7905 Royal Street East, Unit 3, The Knoll at Silver Lake Phase I
Zoning:	RD - MPD Residential
Adjacent Land Uses:	Residential
Reason for Review:	Record of Survey Amendments require Planning Commission recommendation and City Council approval.

B. Background

The property is legally described as unit 3 of the Knoll at Silver Lake Phase I condominiums. Located at the intersection of Royal Street East and Aster Lane in the Silver Lake area of Park City, the Knoll Condominiums is a four unit development platted in April 1982. Units range in size from 3,500 to 4,500 square feet and consist of 3 to 4 bedrooms with common underground parking.

The Knoll condominiums parcel, as originally platted, consisted of 27,184 sf of which approximately 8,430 sf was considered "built area". On June 26, 1996 the City Council approved a plat amendment to convert 1,027 sf of common area to private area for the purpose of allowing an addition to Unit 4. At the time of the 1996 plat amendment staff reviewed the project with respect to open space, parking , architectural design, neighborhood compatibility, existing vegetation, and utility conflicts. Staff determined that the first plat amendment reduced the amount of open space from 69% to 65%. This amendment reduces the open space to 63.6% of the total site area. Sixty percent open space is required by the Land Management Code.

The Knoll Owner's Association is requesting this second amendment to the record of survey plat to convert 340 square feet of common to private area for the purposes of a 700 sf (two story) addition to Unit 3. The addition and transfer of property from common to private ownership has been approved by the Knoll Condominium Owner's Association. All owners within the condominium have given consent to this transfer.

On June 16, 1999 the Planning Commission conducted a public hearing and voted to forward a positive recommendation to the City Council as conditioned in this staff report. There was no public input at the hearing.

C. Analysis

Planning staff reviewed the request with regards to open space, parking, architectural design, neighborhood compatibility, and impacts on existing vegetation and utilities. The proposal does not significantly reduce the amount of open space (65% to 63.6%) from what currently exists. The MPD maintains a minimum of 60% open space as required in the Deer Valley MPD and Land Management Code (LMC). Increased floor area does not trigger additional parking, as the original MPD provided sufficient parking for 3 and 4 bedroom units.

Located on the northwest side of the building, the addition is not visible from Royal Street, and maintains a 38' rear yard setback (minimum setback is 15') to the adjacent lot in Knoll Estates. The proposed addition is compatible with the existing structure and with surrounding buildings. All building materials and windows will match the existing structure.

No existing vegetation will be removed as a result of the proposed building footprint as the addition area is currently a paved patio. In order to protect existing vegetation on this lot during construction, a construction mitigation plan shall be approved by the City prior to issuance of any building permits. The CMP shall specifically address how the addition area will be accessed for construction, how excavation will occur within 15'- 20' of several large evergreen trees on this site, where building supplies and excavated materials will be stored, and how any disturbed areas will be restored. The proposal will not create conflicts or problems for utility service.

D. Department Review

This project has gone through an interdepartmental review. At such time as a final plat is required, the City Engineer and City Attorney will review the plat and amended CC&R's as to form and compliance with the Land Management Code prior to recording.

E. Notice

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

ALTERNATIVES

A. The City Council may approve the proposed record of survey amendment with the conditions stated, or modify the conditions, or

B. The City Council may deny the proposed record of survey amendment and direct staff to prepare findings supporting this recommendation, or

C. The City Council may continue the discussion to a later date.

SIGNIFICANT IMPACTS:
There are no fiscal or environmental impacts to the City with this amendment. The amended Record of Survey will be compatible with the surrounding condominiums.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:
The condominium unit would remain unchanged.

RECOMMENDATION:
Staff recommends that the City Council hold a public hearing, consider public input, and consider approval of the amended record of survey for the Knoll at Silver Lake Phase I based on the following findings of fact, conclusions of law and conditions of approval:

Findings of Fact:

1. The condominium project known as The Knoll at Silver Lake, Phase I is located at the intersection of Royal Street East and Aster Lane. Unit #3 is addressed as 7905 Royal Street and is zoned RD-MPD.
2. The proposed amended record of survey converts 340 sf of common area to private ownership for the purpose of constructing an approximately 700 sf addition to Unit #3.
3. The building footprint increases by 340 sf. Floor area of Unit #3 increases by approximately 700 sf.
4. Approval has been granted by the Knoll Condominium Association for these improvements.
5. The project complies with the parking requirements of Chapter 13 of the Land Management Code.
6. The addition area is currently a paved patio area. There are several large trees within 15' to 20' of the proposed addition.
7. On June 16, 1999 the Planning Commission conducted a public hearing and voted to forward to the City Council a positive recommendation as conditioned in this staff report.

Conclusions of Law:

1. There is good cause for this Amended Record of Survey.
2. The Amended Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Amended Record of Survey.
4. Approval of the Amended Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Amended Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recording the plat.
2. All unit owners must sign a Consent to Record or other instrument acceptable to the County Recorder.
3. The applicant will record the Amended Record of Survey at the County within one year from the date of City Council approval. If recording has not occurred within one year's time, this approval and the plat will be void.
4. All other conditions of approval of the Knoll at Silver Lake, Phase I condominium project continue to apply.
5. A Construction Mitigation Plan (CMP) shall be approved by the City prior to issuing any building permits for the addition to unit #3. In addition to standard City requirements for

CMP, the CMP shall specifically address how the addition area will be accessed for construction, how excavation will occur in the vicinity of large trees on this site, where building supplies and excavated materials will be stored, and how any disturbed areas will be restored.

6. Prior to issuance of building permit a financial guarantee shall be provided to the City for any public improvements, landscaping, and tree protection measures as determined by the Community Development Department.

EXHIBITS:

Exhibit A - Proposed Amended Record of Survey
Exhibit B - Location Map

M:\CDD\KAW\CC\CC99\rylste7905.ccr.wpd

Ordinance No. 99-

AN ORDINANCE APPROVING AN AMENDMENT TO THE RECORD OF SURVEY PLAT FOR THE KNOLL AT SILVER LAKE PHASE I, PARK CITY, UTAH

WHEREAS, the Knoll at Silver Lake Phase I Owner's Association and the owner of Unit 3, Martin and Nancy Edelman, located at 7905 Royal Street in Street, Park City, Utah, have petitioned the City Council for approval of record of survey amendment for the Knoll at Silver Lake Phase I; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and state law; and

WHEREAS, on June 16, 1999 the Planning Commission held a public hearing to receive public input on the record of survey and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on June 24, 1999 the City Council reviewed the proposed record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the record of survey plat;

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

SECTION 1. FINDINGS OF FACT.

1. The condominium project known as The Knoll at Silver Lake, Phase I is located at the intersection of Royal Street East and Aster Lane. Unit #3 is addressed as 7905 Royal Street and is zoned RD-MPD.
2. The proposed amended record of survey converts 340 sf of common area to private ownership for the purpose of constructing an approximately 700 sf addition to Unit #3.
3. The building footprint increases by 340 sf. Floor area of Unit #3 increases by approximately 700 sf.
4. Approval has been granted by the Knoll Condominium Association for these improvements.
5. The project complies with the parking requirements of Chapter 13 of the Land Management Code.
6. The addition area is currently a paved patio area. There are several large trees within 15' to 20' of the proposed addition.
7. On June 16, 1999 the Planning Commission conducted a public hearing and voted to forward to the City Council a positive recommendation.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned record of survey amendment and that neither the public nor any person will be materially injured by the proposed amendment. The plat is consistent with the Park City Land Management Code and applicable State law regarding record of survey plats.

SECTION 3. PLAT APPROVAL. The amended record of survey plat for the Knoll at Silver Lake Phase I is hereby approved as shown on Exhibit A, with the following conditions:

Conditions of Approval

1. The City Attorney and City Engineer will review and approve the final form and content of the Amended Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recording the plat.
2. All unit owners must sign a Consent to Record or other instrument acceptable to the County Recorder.
3. The applicant will record the Amended Record of Survey at the County within one year from the date of City Council approval. If recording has not occurred within one year's time, this approval and the plat will be void.
4. All other conditions of approval of the Knoll at Silver Lake, Phase I condominium project continue to apply.
5. A Construction Mitigation Plan (CMP) shall be approved by the City prior to issuing any building permits for the addition to unit #3. In addition to standard City requirements for CMP, the CMP shall specifically address how the addition area will be accessed for construction, how excavation will occur in the vicinity of large trees on this site, where building supplies and excavated materials will be stored, and how any disturbed areas will be restored.
6. Prior to issuance of building permit a financial guarantee shall be provided to the City for any public improvements, landscaping, and tree protection measures as determined by the Community Development Department.

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

PASSED AND ADOPTED this 24 th day of June, 1999.

PARK CITY MUNICIPAL CORPORATION

____

Mayor Bradley A. Olch

Attest:

____

Janet M. Scott, Deputy City Recorder

Approved as to form:

____

Mark D. Harrington, Deputy City Attorney

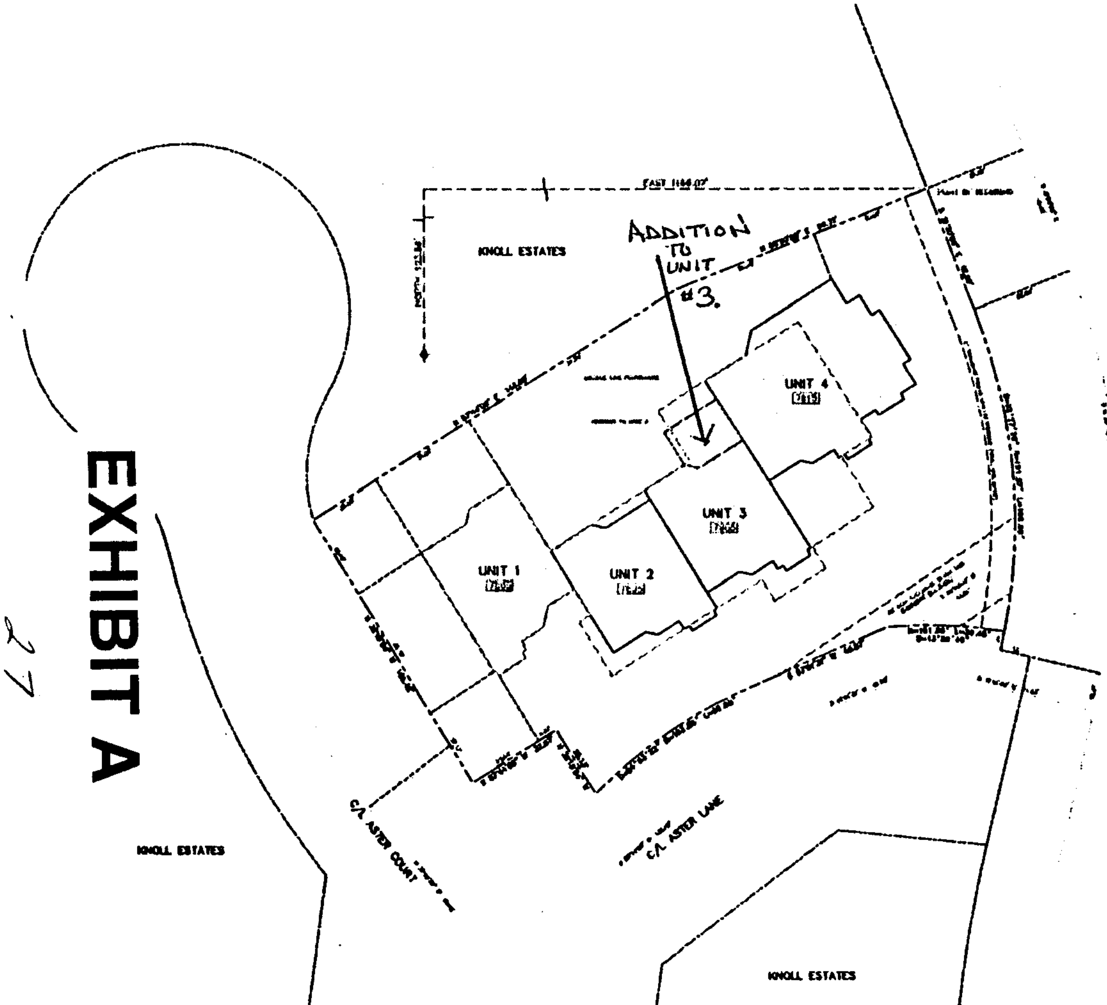
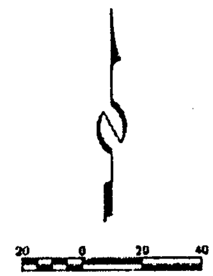


EXHIBIT A

27

LEGEND

- UNIT (PRIVATE OWNERSHIP)
- LIMITED COMMON AREAS AND FACILITIES ALLOCATED TO DESIGNATED UNIT
- COMMON AREAS AND FACILITIES
- ADDRESS ON ASTER LANE



SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 163931 as prescribed under the laws of the State of Utah. I further certify that by authority of the owners I have prepared this Amended Record of Survey Map of the Knoll at Silver Lake in accordance with Utah Code Section 57-8-13.

JOHN DEMKOWICZ, L.S. #163931 ____________ DATE ____________

BOUNDARY DESCRIPTION

THE KNOLL AT SILVER LANE PHASE 1, a Utah Condominium Project, according to the official plat thereof on file in the office of the Summit County Recorder, recorded No. 190071, April 5, 1982

OWNER'S DEDICATION AND CONSENT TO RECORD

The Knoll at Silver Lake Condominium Owners Association hereby consents to the recording of this Second Amended Record of Survey Map for the Knoll Condominium. The officer signing this plat represents that the amendment has received the approval of all of the owners of condominium units, which consent is recited in and evidenced by the execution of the Amended Declaration of Condominium, which is recorded with this Record of Survey Map.

Dated this ______ day of ______________ 1999

Knoll at Silver Lake
Condominium Owners Association

by ______________
Richard W. Iverson, President

ACKNOWLEDGMENT

STATE OF ____________)
: ss
COUNTY OF ____________)

The foregoing instrument was acknowledged before me this ______ day of ______________ 1999, by Richard W. Iverson, who is the President of the Knoll at Silver Lake Owners Association, who stated to me that he executed the foregoing on behalf of that entity with proper authority.

____
Notary Public

My Commission Expires ____________

NOTES:

1. THIS AMENDED RECORD OF SURVEY MAP PLAT REFLECTS THE EXPANSION OF OWNERSHIP IN UNIT 3, AND EXCEPT AS SHOWN ON THIS PLAT, NO OTHER CHANGES TO THE CONDOMINIUM PROJECT ARE BEING MADE.
2. FOR COMPLETE DESCRIPTION AND DIMENSIONS OF UNITS 1-3 AND THE GARAGE SPACES, REFER TO THE RECORD OF SURVEY MAP OF THE KNOLL AT SILVER LAKE PHASE 1, RECORDED NO. 190071 IN THE SUMMIT COUNTY RECORDER'S OFFICE.

RECEIVED
APR 2[illegible] 1999
PARK CITY
PLANNING DEPT.

LINE TABLE

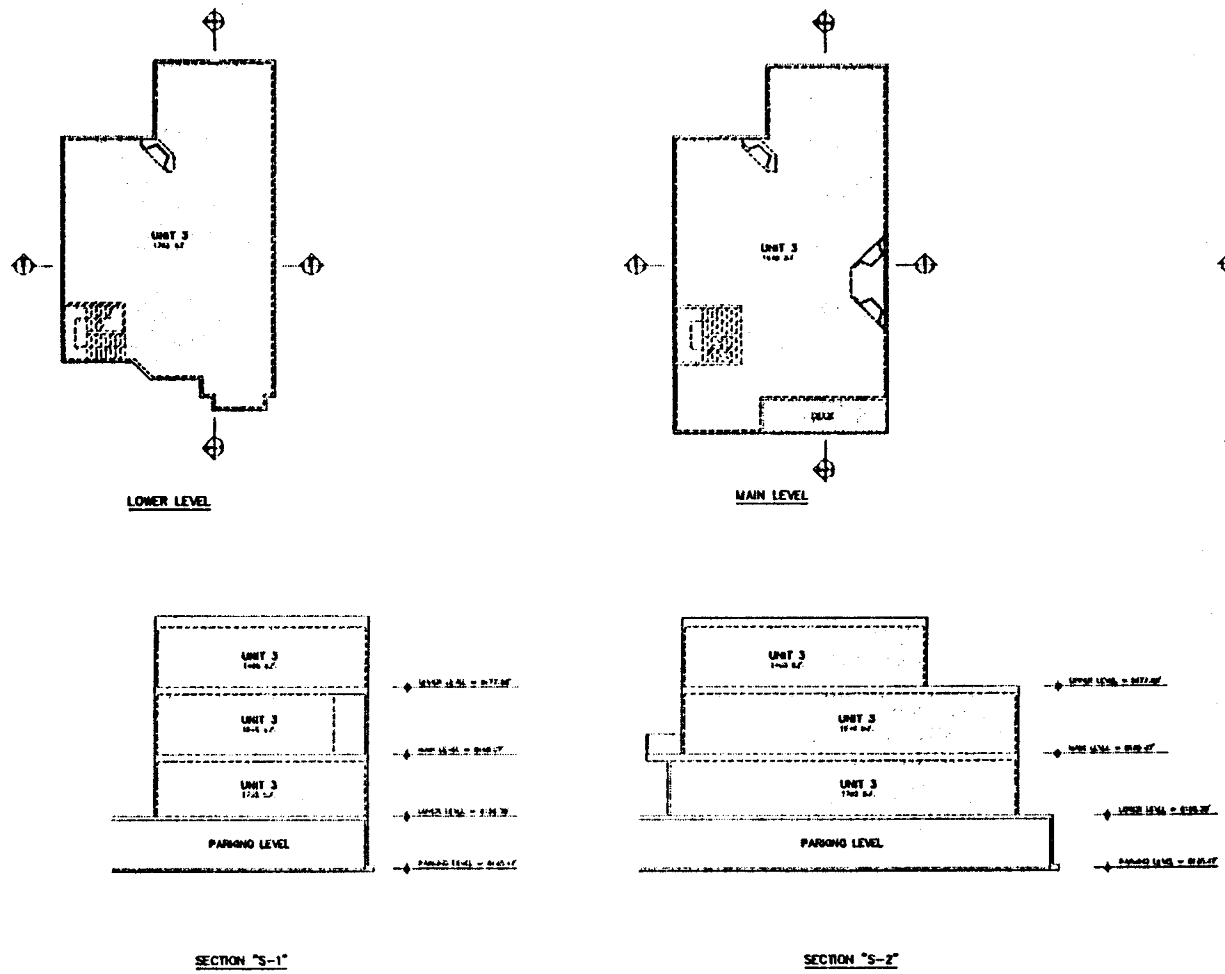
CURVE TABLE

SECOND AMENDED RECORD OF SURVEY MAP

THE KNOLL AT SILVER LAKE PHASE 1

A UTAH CONDOMINIUM PROJECT LOCATED IN SECTION 22,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

Engineering Inc.	SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT	PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED



RECEIVED
APR 2 ? ?009
PARK CITY
PLANNING DEPT.

SECOND AMENDED RECORD OF SURVEY MAP

THE KNOLL AT SILVER LAKE PHASE 1

NOTES:

1. [illegible]
2. [illegible]
3. [illegible]
4. [illegible]

LEGEND

- UNIT (PRIVATE OWNERSHIP)
- LIMITED COMMON AREAS AND FACILITIES ALLOCATED TO DESIGNATED UNIT
- COMMON AREAS AND FACILITIES

F.P. REPRESENTS FIREPLACE

S.F. REPRESENTS SQUARE FEET

RECORDED

28

7905 Royal St. East

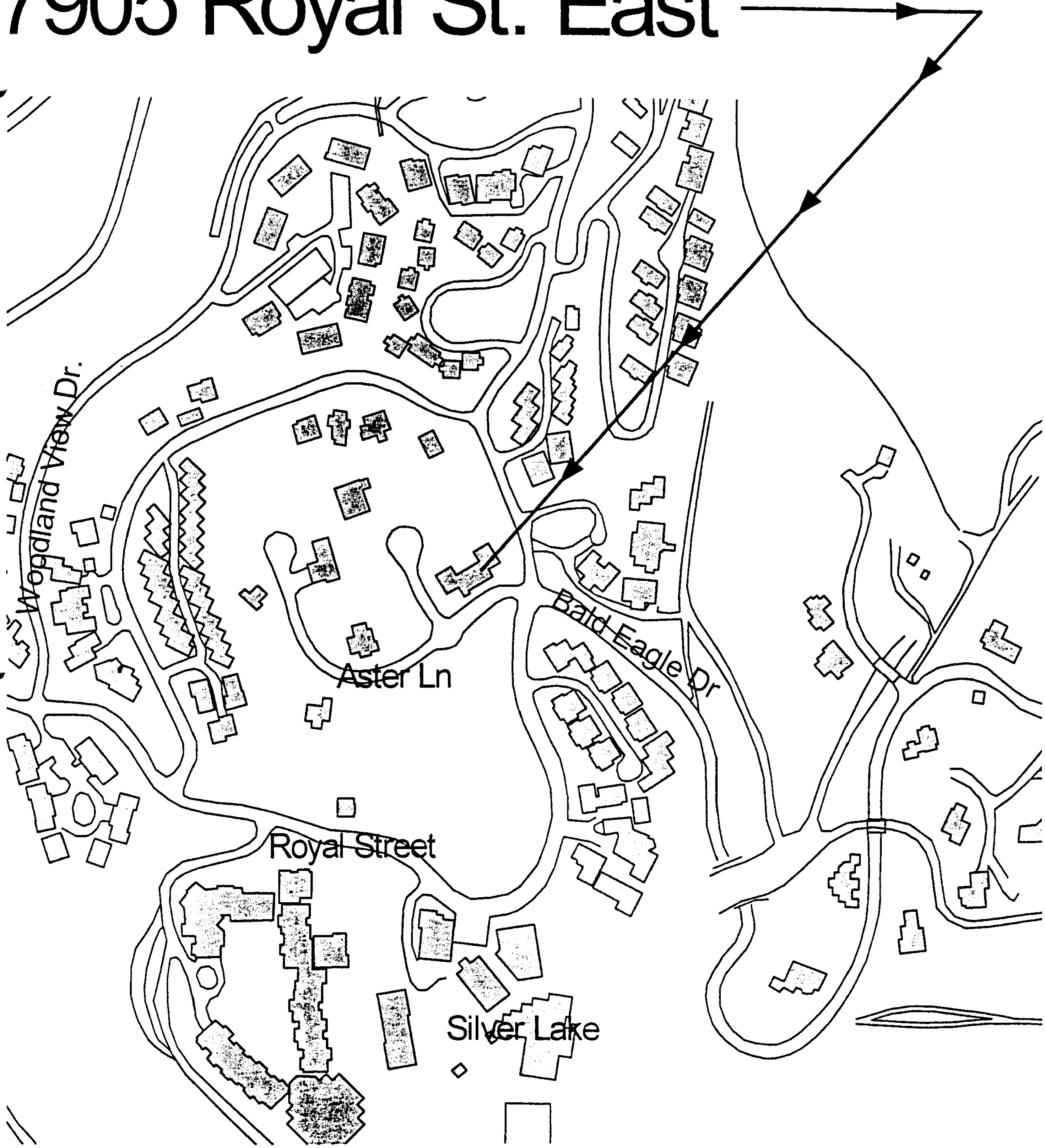


EXHIBIT B

Vicinity Map

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29

PARK CITY 1884

CITY COUNCIL REPORT

DATE: **June 24, 1999**
DEPARTMENT: **Planning Department**
AUTHOR: **Derek Satchell**
TITLE: **33 King Road - Subdivision**
TYPE OF ITEM: **Legislative**

SUMMARY RECOMMENDATIONS: Conduct a public hearing and approve the proposed subdivision to combine portions of several platted lots, and portions of vacated Anchor Avenue and Seventh Street in Block 74, of the Park City Survey into one (1) platted lot as conditioned.

DESCRIPTION:

A. TOPIC

Project Name: LeClerc Subdivision
Owners: Michael LeClerc
Location: 33 King Road
Zoning: Historic Residential District (HR-1)
Adjacent Land Uses: Residential
Project Planner: Derek Satchell

B. BACKGROUND.

The project site is located at 33 King Road in the Historic Residential District (HR-1) directly northwest of the Empire Canyon Condominiums. The project involves a request for a Subdivision to combine portions of several platted lots, and portions of vacated Anchor Avenue and Seventh Street in Block 74, of the Park City Survey into one (1) platted lot. An existing historic dwelling currently straddles several interior lot lines of the metes and bound parcel. Additionally, there is a shed and a driveway which also crosses numerous interior lot lines.

No outstanding issues, other than the necessary structural modifications, were identified. The proposed improvements to the existing historic structure will need to comply with the Park City Historic District Design Guidelines and the Land Management Code. Project compliance with these regulations will be handled administratively by Staff--with final design review by the Historic District Commission. The Planning Commission conducted a public hearing and forwarded a positive recommendation to the City Council at their on June 16, 1999 meeting.

C. ANALYSIS.

The applicant proposes to consolidate one (1) metes and bound parcel in Block 74, Park City Survey into one (1) platted lot, which will total 5,734.79 square feet in area (See Exhibit B). The applicant proposes to create a single lot in order to accommodate proposed modifications to the existing historic structure.

The existing structure does have vehicular access off King Road, via a private driveway between two adjacent parcels. The applicant proposes to lift the existing historic house in order to construct a basement/foundation. The existing footprint of the house, location of the driveway and accessory buildings will not be altered.

<table>
<tr><th colspan="2"></th><th colspan="2">Proposed</th></tr>
<tr><td colspan="2">Current Use</td><td colspan="2">Single-family residence</td></tr>
<tr><td colspan="2">Lot Size</td><td colspan="2">5,734.79 square feet</td></tr>
<tr><td colspan="2">F.A.R.</td><td colspan="2">Not applicable to existing historic structures</td></tr>
<tr><td colspan="4">Setbacks</td></tr>
<tr><td></td><td>• Front</td><td>10 feet minimum
(12 feet existing)</td><td rowspan="2">Front and Rear setbacks must total 30 feet</td></tr>
<tr><td></td><td>• Rear</td><td>10 feet minimum
(30 feet existing)</td></tr>
<tr><td></td><td>• Side</td><td colspan="2">3 feet minimum, total 6 feet
(10 foot setback to north, and 3 foot setback to the south)</td></tr>
<tr><td colspan="2">Height</td><td colspan="2">approximately 24'</td></tr>
<tr><td colspan="2">Parking</td><td colspan="2">2/unit
(2 existing non-conforming spaces)</td></tr>
<tr><td colspan="2">Design</td><td colspan="2">HDC Design Review</td></tr>
</table>

The proposed subdivision would comply with the HR-1 District regulations. This proposal does not increase the density on the lot. The proposed lot is consistent with other lot sizes in the immediate area.

Staff has added a condition to the Plat which would restrict any additional units, such as accessory apartments or lockout units. The driveway is only one-car width once side yard setbacks have been applied, do any future duplex unit would necessitate triple tandem parking. Additional accessory units in this area could negatively affect the neighborhood in terms of parking, mass and scale. The proposed lot size is compatible with the current ownership pattern along King Road. Structures in the neighborhood are typically historic homes, or new single- family and duplex homes. After reviewing the request, the Community Development Department finds that the creation of the new lot is in compliance with the Land Management Code, and supports the subdivision.

The Subdivision is being processed through the Planning Commission and City Council procedure due to the fact that State Law prohibits use of the administrative approval when the action results in the incorporation of vacated right-of-ways. The Community Development Director does not have the authority to approve a subdivision which include vacated right-of-ways even though signatures from all adjacent properties owners have been submitted.

D. NOTICE

Notice of this hearing was sent to property owners within 300' on April 28, 1999 as part of the Plat Amendment procedure. No formal comments have been filed at the time of this report.

E. DEPARTMENT REVIEW

The Community Development Department has reviewed this request. The City Attorney and City Engineer will review the plat prior to recordation. The request was discussed at a Staff Review Meetings on April 20, 1999, where representatives from local utilities and City Staff were in attendance. Discussion focused on the number of interior lot lines that transverse the parcel. No other outstanding issues were identified.

ALTERNATIVES

A. Approval of the proposed subdivision to combine portions of several platted lots, and portions of vacated Anchor Avenue and Seventh Street in Block 74, of the Park City Survey, and thereby removing the common lot lines between the lots and allowing for the parcel to accommodate the existing single-family residence.

B. Deny the subdivision and retain the original Record of Survey which would prohibit the applicant from making the proposed modifications to the existing structure.

C. Continue the item and request further evaluation from the Staff.

SIGNIFICANT IMPACTS:

The subdivision will result in one (1) platted lot which will meet the lot requirement for the HR-1 District. The subdivision will not increase the density of the lot. Given the type of work required to replace the foundation of the existing dwelling, the lot combination results in the structural stabilization of the building.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the subdivision is not approved as proposed, the necessary structural repairs to the existing foundation will not be permitted.

F. RECOMMENDATION:
Staff recommends that the City Council conduct a public hearing and consider Staff's recommendation to approve the combination of portions of several platted lots, and portions of vacated Anchor Avenue and Seventh Street in Block 74, of the Park City Survey, based on the following:

Findings of Fact:
1. The property is located in the Historic Residential District (HR-1).

2. The amendment will combine portions of several platted lots, and portions of the vacated Anchor Avenue and Seventh Street, in Block 74, Park City Survey to allow for necessary foundation repairs and the improvement of the existing non-conforming historic dwelling.

3. Platted Seventh and Anchor Streets (shown within the proposed lot area) were vacated by the City and are currently owned by the applicant.

4. The lots are occupied by an existing historic dwelling and accessory buildings which currently have non-conforming setbacks.

5. Adding an accessory unit to the lot would negatively impact the neighborhood by increasing traffic and parking demands.

6. The plat amendment will not increase density on the lot.

7. The snow storage along King Road is very important, as are utilities.

8. The applicant received a 1999 Historic District Landmark Grant to be used towards the incorporation of a foundation and necessary repairs for the existing historic house.

Conclusions of Law:
1. There is good cause for the amendment.

2. Neither the public nor any person will be materially injured by the proposed subdivision.

3. The proposal is consistent with both the Park City Land Management Code Chapter 7 and Chapter 15 and State subdivision requirements.

Conditions of Approval:
1. City Attorney and City Engineer review and approval of the subdivision for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recordation.

2. Because the applicant is a 1999 Historic District Grant recipient, the proposed exterior repairs and construction of the proposed basement/foundation will require review and approval by the Historic District Commission for compliance with the Historic District Design Guidelines.

3. A note shall be added to the plat stating that no accessory apartment and/or lockout shall be permitted as part of this structure, or on this newly created lot. The lot shall only contain one (1) single-family home.

4. A ten foot (10') non-exclusive utility and snow storage easement shall be incorporated in the first ten feet off of King Road.

5. No remnant lot created is separately developable.

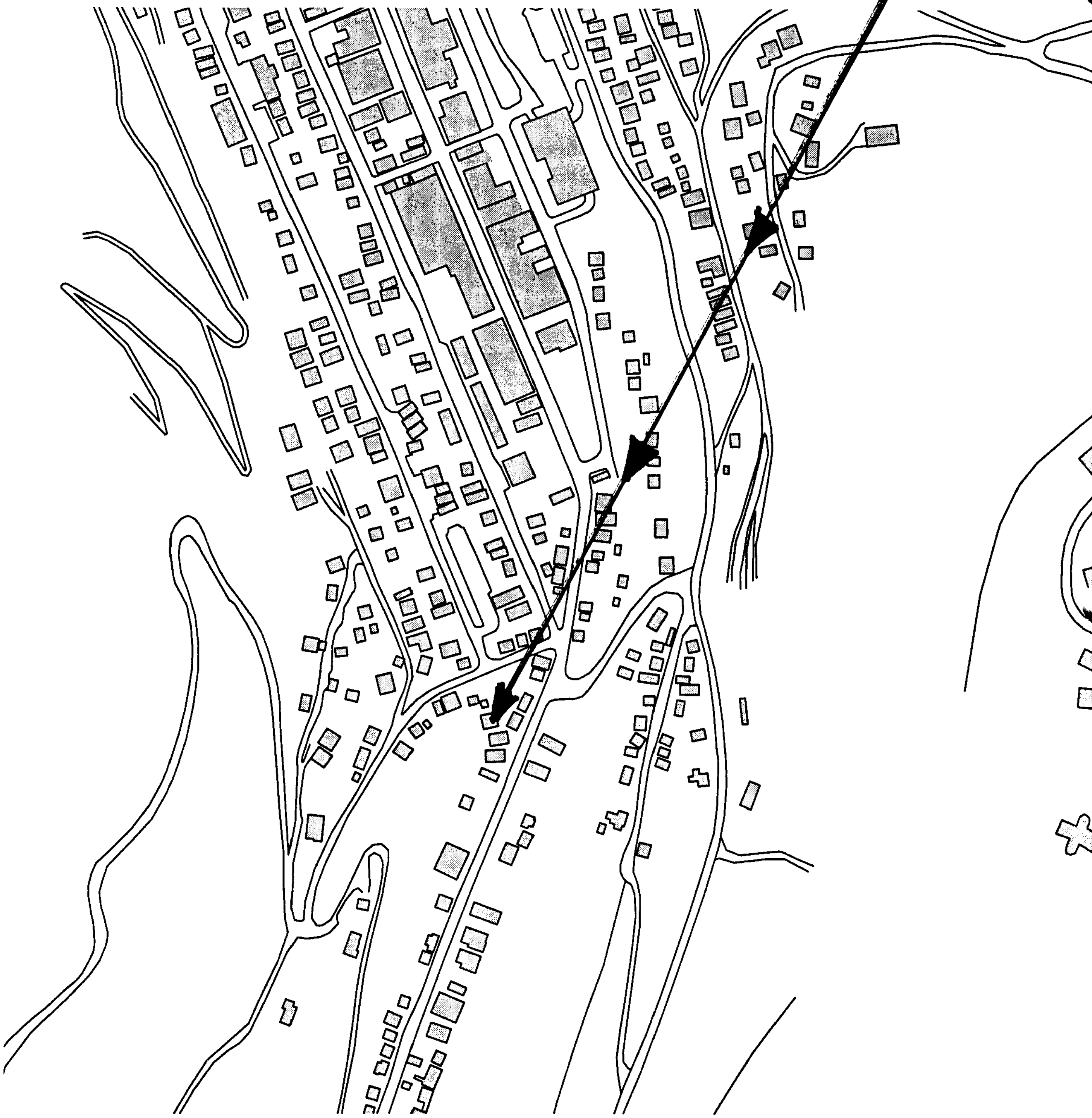
6. All significant vegetation removed during this project, shall be replanted on the lot.

7. All Standard Project Conditions shall apply (Please see Exhibit D - Standard Project Conditions).

8. This approval shall expire one year from the date of Planning Commission approval, unless this subdivision is recorded prior to that date.

EXHIBITS:
Exhibit A - Location Map
Exhibit B - Existing Plat
Exhibit C - Proposed Plat
Exhibit D - Standard Project Conditions

33 King Road



PARK CITY 1884

Exhibit A
Vicinity Map

N

36

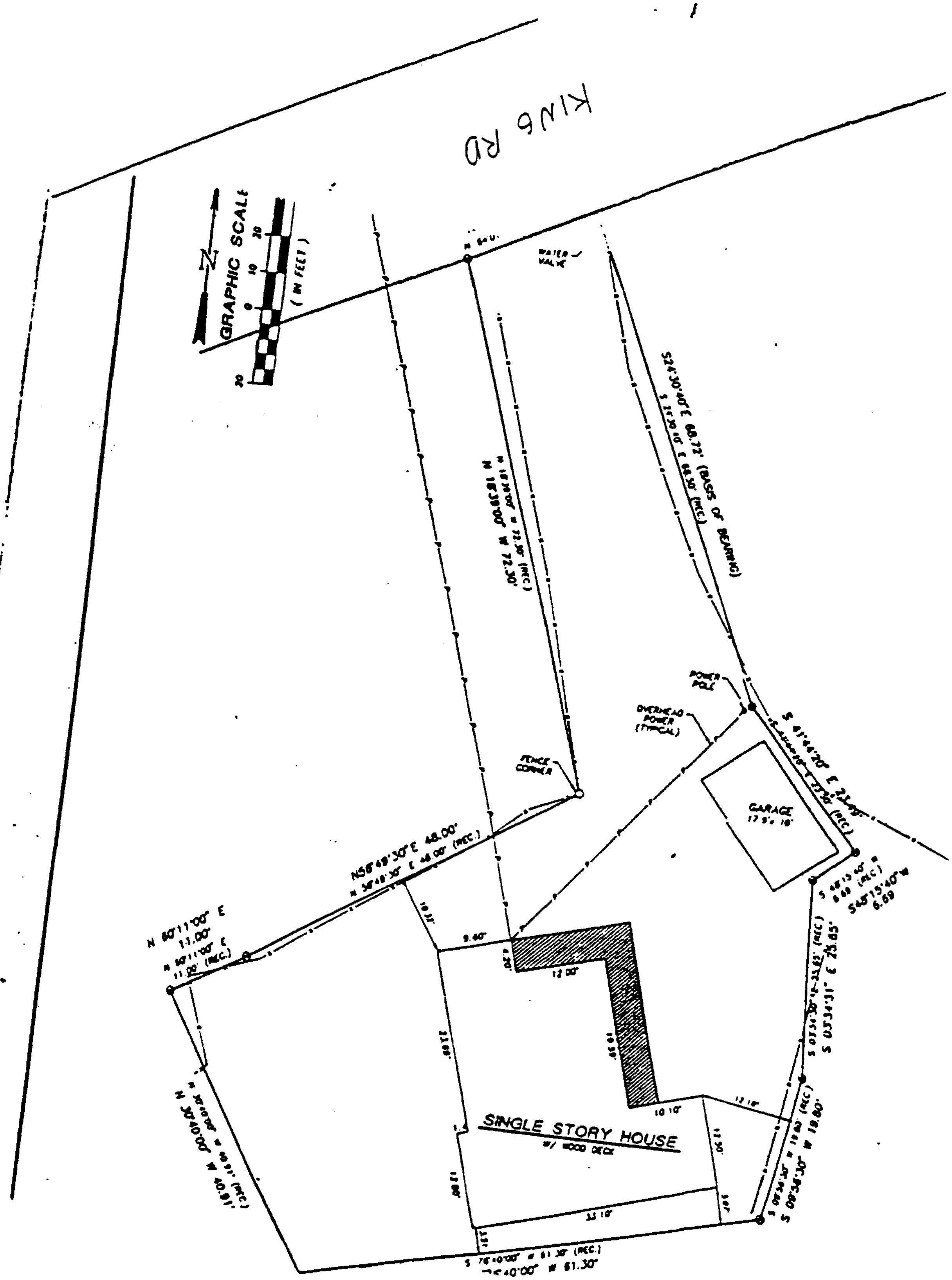


Exhibit B - Existing Plat

37

* Refers to Street Address

27-37), 77 LOTS(12-16), SECTION 21, T2S R4E, S.L.B.& M.
S(1-12) - PARK CITY

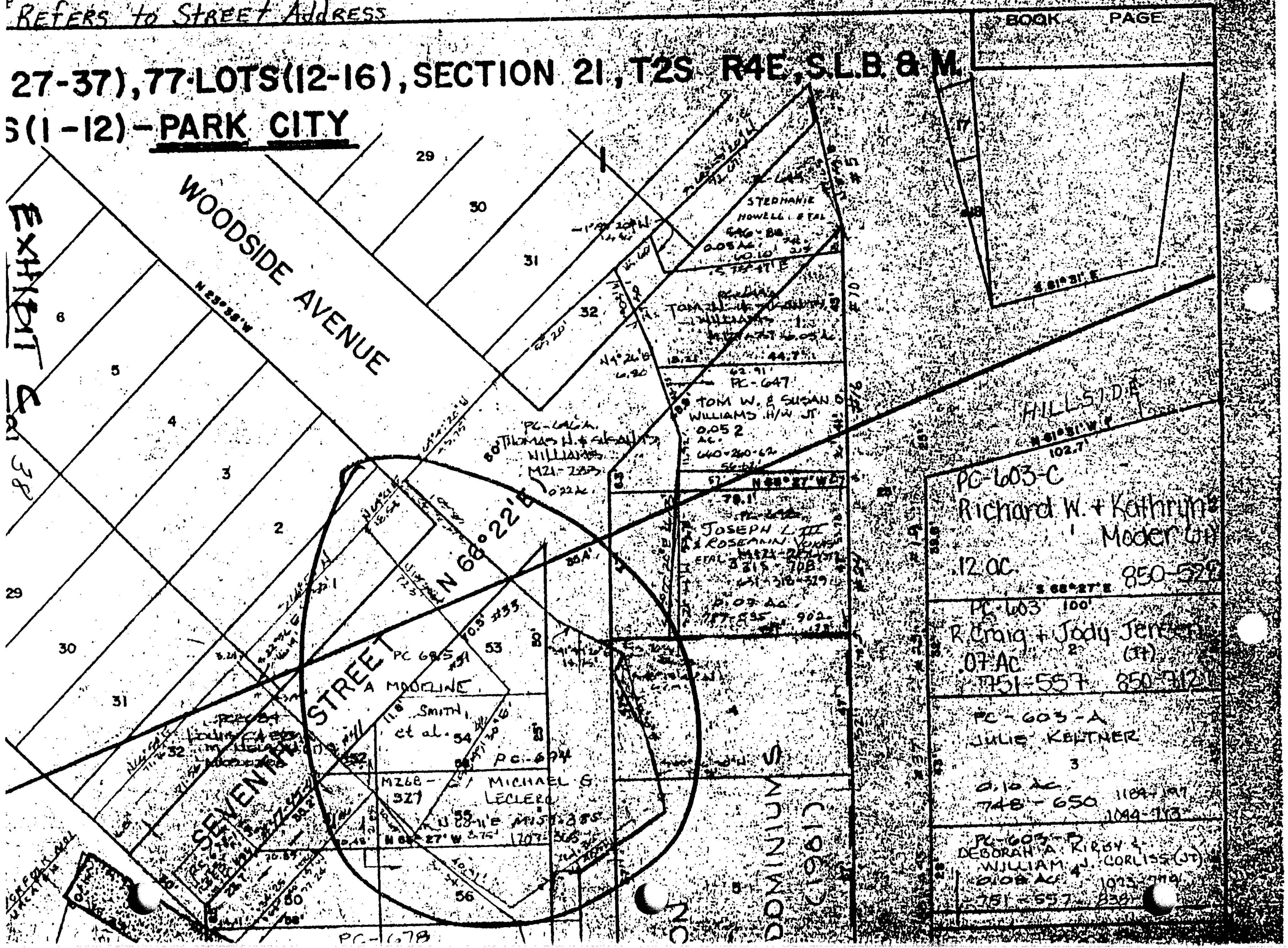


EXHIBIT C

38

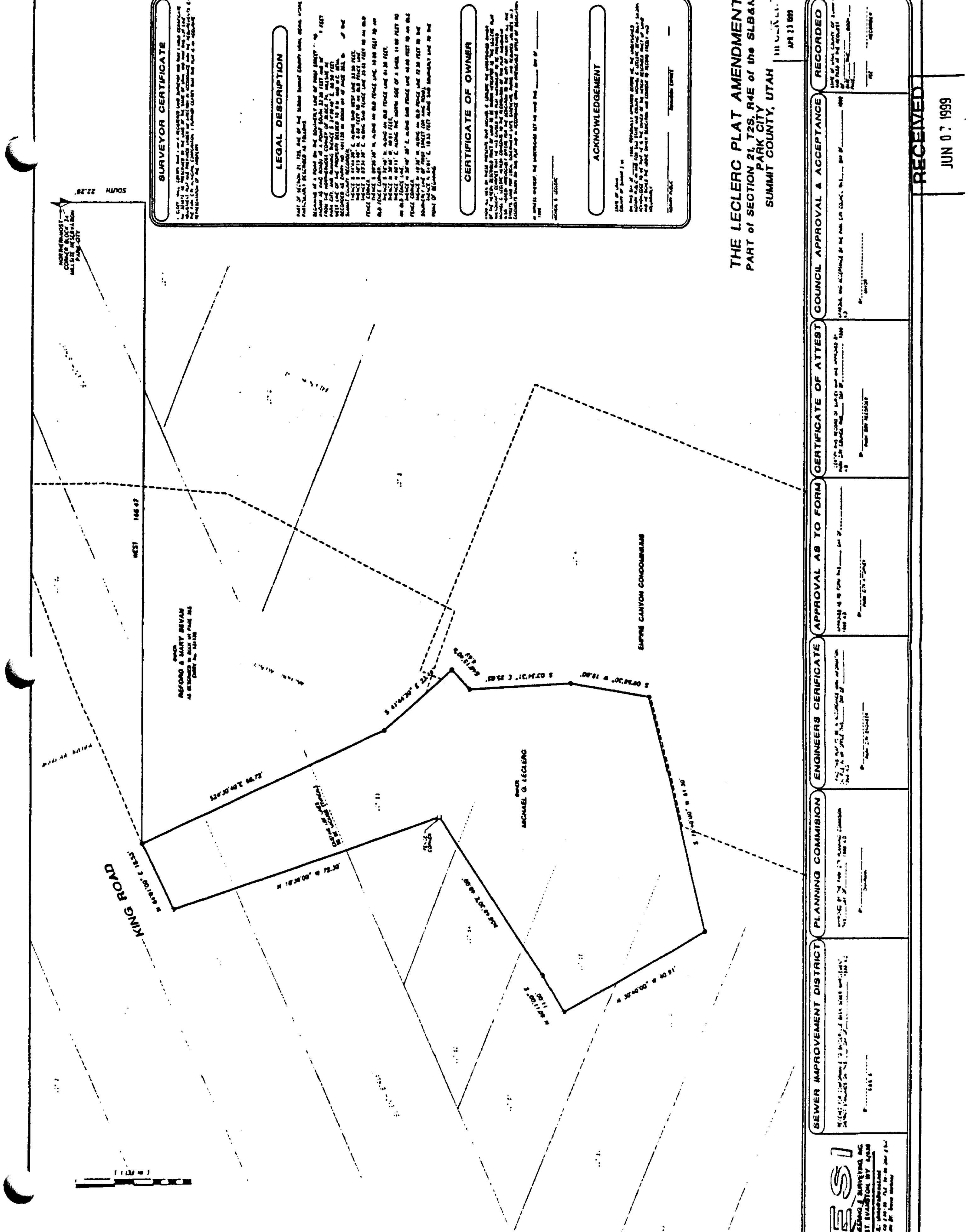


Exhibit C - Proposed Plat

PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS

1. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 9, Architectural Review); Uniform Building, Fire and related Codes; the Park City Design Standards, Construction Specifications, and Standard Drawings; and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
2. All modifications to plans as specified by conditions, and all final design details, such as material and color samples, shall be submitted to and approved by the Community Development Department prior to issuance of any building permits.
3. The applicant is responsible for compliance with all conditions of project approval.
4. A Line Extension Agreement with the Snyderville Basin Sewer Improvement District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.
5. Final landscape plans, when required, shall be reviewed and approved by the Community Development Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof.
6. Construction staging areas shall also be clearly defined and approved by the Community Development Department, and shall be placed so as to minimize site disturbance. The landscape plans shall include plans for revegetation of all areas disturbed during construction.
7. Final grading, drainage, utility, erosion control and revegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Community Development Department. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
8. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the Community Development Department, posted prior to occupancy.
9. All construction shall be completed according to the approved plans on which building permits are issued. The approved plans include all site improvements shown on the site plan. "Site improvements" shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grades, walls, landscaping, lighting, planting, paving, paths, and trails, and similar improvements, as shown on the set of plans on which final approval and building permits are based.
10. Any desired modifications to approved plans, after the issuance of a building permit, must be specifically requested and approved in writing prior to execution.
11. Plans shall conform to all design standards for persons with disabilities as required by any applicable federal, state and local laws.
12. Access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
13. The required utility easements along street frontages shall include language to allow for these areas to be used for snow storage. Typically, a 10-foot snow storage easement is required above Deer Valley Drive (approximate elevation of 7,200 feet). A five feet easement is necessary below this elevation.
14. Lockout units are not permitted unless specifically approved.
15. The infrastructure review and approval is transferrable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or termination of the permit as specifically conditioned.
17. The name of a master planned development, plat, record of survey, subdivision, condominium project, or other approved project may not be changed without review and approval by the Community Development Department, said approval is not to be unreasonably withheld. The Community Development Department's review shall be limited to prevent confusion of the project with others in terms of emergency and delivery services and project identification.

Exhibit D - Standard Project Conditions

Ordinance No. 99-

AN ORDINANCE APPROVING THE LECLERC SUBDIVISION TO COMBINE PORTIONS OF SEVERAL PLATTED LOTS, AND PORTIONS OF THE VACATED ANCHOR AVENUE AND SEVENTH STREET IN BLOCK 74, OF THE PARK CITY SURVEY, INTO ONE (1) PLATTED LOT LOCATED AT 33 KING ROAD, PARK CITY, UTAH

WHEREAS, the owner of portions of several platted lots, and portions of the vacated Anchor Avenue and Seventh Street, in Block 74, Park City Survey have petitioned the City Council for approval of a revision to the final 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 16, 1999, to receive input on the proposed plat;

WHEREAS, the Planning Commission, on June 16, 1999, forwarded a positive recommendation to the City Council; and,

WHEREAS, on June 24, 1999, the City Council held a public hearing to receive input on the proposed subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the record of survey and subdivision.

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

SECTION 1. FINDINGS. The following findings are hereby adopted.

1. The property is located in the Historic Residential District (HR-1).

2. The amendment will combine portions of several platted lots, and portions of the vacated Anchor Avenue and Seventh Street, in Block 74, Park City Survey to allow for necessary foundation repairs and the improvement of the existing non-conforming historic dwelling.

3. Platted Seventh and Anchor Streets (shown within the proposed lot area) were vacated by the City and are currently owned by the applicant.

4. The lots are occupied by an existing historic dwelling and accessory buildings which currently have non-conforming setbacks.

5. Adding an accessory unit to the lot would negatively impact the neighborhood by increasing traffic and parking demands.

6. The plat amendment will not increase density on the lot.

7. The snow storage along King Road is very important, as are utilities.

8. The applicant received a 1999 Historic District Landmark Grant to be used towards the incorporation of a foundation and necessary repairs for the existing historic house.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned subdivision, that neither the public nor any person will be materially injured by the proposed subdivision and that the proposal is consistent with both the Park City Land Management Code and State subdivision requirements.

SECTION 3. SUBDIVISION APPROVAL. The subdivision to combine portions of several platted lots, and portions of the vacated Anchor Avenue and Seventh Street, in Block 74, Park City Survey, known as the LeClerc Subdivision, is approved as shown on Exhibit B, with the following conditions:

1. City Attorney and City Engineer review and approval of the subdivision for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recordation.

2. Because the applicant is a 1999 Historic District Grant recipient, the proposed exterior repairs and construction of the proposed basement/foundation will require review and approval by the Historic District Commission for compliance with the Historic District Design Guidelines.

3. A note shall be added to the plat stating that no accessory apartment and/or lockout shall be permitted as part of this structure, or on this newly created lot. The lot shall only contain one (1) single-family home.

4. A ten foot (10') non-exclusive utility and snow storage easement shall be incorporated in the first ten feet off of King Road.

5. No remnant lot created is separately developable.

6. All significant vegetation removed during this project, shall be replanted on the lot.

7. All Standard Project Conditions shall apply (Please see Exhibit D - Standard Project Conditions).

8. This approval shall expire one year from the date of Planning Commission approval, unless this subdivision is recorded prior to that date.

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

PASSED AND ADOPTED this 24th day of June, 1999.

PARK CITY MUNICIPAL CORPORATION

____
Mayor Bradley A. Olch

Attest:

____
Janet M. Scott, City Recorder

Approved as to form:

____
Mark D. Harrington, Deputy City Attorney

PARK CITY
1884

COUNCIL AGENDA REPORT

DATE: June 24, 1999
DEPARTMENT: Office of Capital Management and Budget
AUTHOR: Tom Bakaly TB
TITLE: Bond Parameters Resolution - General Obligation Bonds, 1999 Series A
TYPE OF ITEM: Legislative/Administrative

SUMMARY RECOMMENDATIONS: The City Council should:

1) Consider and approve the attached Parameters Resolution relating to the issuance of General Obligation Bonds, 1999 Series A. These bonds will be used to finance the purchase of undeveloped park and recreational land and amenities.

2) Authorize the City Manager to execute a contract with Chapman & Cutler for bond counsel services in an amount not to exceed $38,000 and Lewis Young, Robertson & Burningham for Financial Advisor Services in an amount not to exceed $10,000.

DESCRIPTION:

A. Topic: Consideration and adoption of a resolution that does the following:
1) Preliminarily authorizes the sale of General Obligation Bonds, Series A 1999; 2) Sets parameters relating to the issuance size, length to maturity, and interest rates of the bonds and; 3) Authorizes the preparation and distribution of documents pertaining to the issuance of the bonds.

B. Background:

On November 3, 1998, Park City voters approved the issuance of $10 million in General Obligation bonds to acquire and forever preserve undeveloped park and recreation land and amenities. On September 24, 1998, the City Council passed a resolution forming the Citizens Open Space Advisory Committee (COSAC). The purpose of this committee is to investigate and recommend a strategy for the acquisition of open space.

C. Analysis:

Staff and the City's financial advisor have performed analysis based upon expected expenditure of the bond proceeds to determine whether or not to issue the entire $10 million that was authorized by the voters all at once. The City is authorized to issue the bonds in pieces or series. Using recent negotiations as a gauge, COSAC and the City reasonably expect to spend $4 million on the acquisition of open space over next two years.

If a need arose, the City could issue an additional series of bonds up to the $10 million limit. It is staff's recommendation that the bonds be issued in 2-3 series to ensure compliance with Federal laws and minimize the risk of arbitrage rebate (Difference between interest earned and interest paid) if the bond proceeds are not spent quickly enough. The first series would consist of $4 million. On June 17, 1999, the City Council authorized the Director of Capital Programs and Budget to calculate the tax rate for 1999 such that it would generate enough revenue to pay the debt services associated with a $4 million G.O. Bond issue. The additional cost of issuance associated with multiple series is offset by the reduced arbitrage rebate risk described above. All of these issues were explained to COSAC. Assuming current interest rates and assessed values, the $4 million issuance would cost a primary resident roughly $8.40 per $100,000 of assessed value. This is less than the $18 per $100,000 that was provided last year because that figure contemplated a $10 million issue.

The attached resolution grants preliminary authorization to issue the G.O. bonds. Before bonds are issued, the City Council needs to approve the "Final Bond Resolution." Staff anticipates returning to City Council with the "Final Bond Resolution" during the latter part of July or early August. The Parameters Resolution gives advance notice that the City intends to issue these bonds and starts an appeals period. The resolution also authorizes the preparation and distribution of the Preliminary Official Statement (POS). The POS is the document that investors, the bond rating agencies, and the bond insurance companies use to evaluate the credit worthiness of the bonds. Staff is finalizing the POS and plans to distribute it in early July. Lastly, the resolution sets the following general parameters for the bond issue:

1) Size: The resolution sets the maximum amount of the bonds at $4,500,000. This amount is purposely higher than what was identified by COSAC in order to give the City flexibility when it comes time to actually sell the bonds.

2) Length to Maturity: The resolution states that the maximum length to maturity cannot exceed 15 years as approved by the voters. The 15 year limit begins from the point of issuance for each series. This means that if the City issued a second series 2 years from now, it would mature 15 years from that point or 17 years from now.

3) Interest Rates of the Bond Coupons: The resolution states that no single coupon of the bond issue can exceed 7.0%. When the bonds are sold, they will be structured in such away that different maturities will have different interest rates. This parameter means that the coupon with the longest maturity will not have an interest rate of greater than 7%. In addition, the resolution sets the maximum amount of discount for which the bonds can be sold. The 3.5% parameter is again conservative, and the discount rate should be less than that amount. As far as an interest rate fore the entire issue, staff is confident that it will be less than the 7%.

The Financing Team: Through a Request for Proposal (RFP) and selection process that involved COSAC members, the City has selected Lewis, Young, Robertson & Burningham as the financial advisor for this bond issue. Laura Lewis will be the point of contact. The City Attorney's Office has selected Richard Scott and the law firm of Chapman & Cutler as bond counsel for the transaction.

D. Department Review: The Parameters Resolution has been reviewed by the City Manager's Office and the Legal Department.

ALTERNATIVES:

A. **Approve the Request:** Adopting the resolution will allow the City to proceed with the bond issue and be able to finance open space projects in a timely manner.

B. **Deny the Request:** A Parameters Resolution is not required to issue bonds, but is generally recommended. If the City Council does not wish to issue bonds, Staff and City Council would then need to address funding strategies for the open space purchases.

C. **Continue the Item:** Continuing action on the resolution could delay the overall issuance of the bonds. Because there are timing and funding issues associated with the purchases, staff would need to elaborate further on the consequences of continuing this item. A one-week continuance probably would not present significant problems.

D. **Do Nothing:** This would have the same effect as denying the request.

SIGNIFICANT IMPACTS: Adoption of this resolution will allow the City to proceed with the issuance of the bonds in timely and efficient manner. Swift completion of the bond issuance is needed to take advantage of favorable interest rates and meet the financing needs of the purchases.

CONSEQUENCES OF NOT TAKING RECOMMENDED ACTION: Not adopting the resolution will impact the City's ability to issue the GO bonds and finance the purchases.

RECOMMENDATION: Adopt the attached Parameters Resolution relating to the issuance of general Obligation Bonds, Series A, 1999. Approve the financing team and authorize the City Manager to execute contracts.